

Immigrants and Minorities, Politics and Policy

David L. Leal

Nestor P. Rodríguez *Editors*

Migration in an Era of Restriction and Recession

Sending and Receiving Nations in a
Changing Global Environment

 Springer

Immigrants and Minorities, Politics and Policy

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Over the last fifty years, immigrant and minority population growth has transformed much of the global north, particularly the United States, Canada, and Europe. Understanding the political and policy consequences of such demographic change is essential to scholars and practitioners alike. On topics ranging from elections to policymaking, immigrants and minorities are – or should be – increasingly important parts of the discussion. Scholars also need to know more about migration itself, including migrant incorporation, return migration, internal migration, the implications of migration for sending nations, and the forces that structure migration. This interdisciplinary series is designed to address these interrelated topics. If you would like to propose a book or edited volume, please contact the series editor or Springer's Economics and Political Science editor.

David L. Leal • Nestor P. Rodríguez
Editors

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Sending and Receiving Nations
in a Changing Global Environment

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- Francisco Alba (Professor and Researcher, El Colegio de México)
- Anne Chandler (Attorney, Immigrant Legal Clinic, University of Houston)
- Gary Freeman (Professor of Government, UT Austin)
- Barbara Hines (Attorney, Rapoport Center for Human Rights and Justice, UT School of Law)
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- Cecilia Menjívar (Professor of Sociology, Arizona State University)
- Rogelio Nuñez (Executive Director, Proyecto Libertad, Harlingen, Texas)
- Georg Vobruba (Senior Researcher, Universität Leipzig)

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Chapter 1

Introduction: The New Era of Restriction

David L. Leal, Nestor P. Rodríguez, and Gary P. Freeman

Abstract We live in a paradoxical “Age of Migration” (Castles and Miller 2009) that is characterized by both unprecedented levels of migration and (perhaps not coincidentally) considerable public and political skepticism about migration and migrants. Globally, the number of people on the move is large and growing. According to the United Nations, the total number of international migrants in 2013 was 232 million. This constitutes 3.2 % of the world’s population, and if migrants constituted their own nation, it would be the fifth largest. At the same time, public and political reactions against immigrants have grown across the global north. We live in a paradoxical “Age of Migration” (Castles and Miller 2009) that is characterized by both unprecedented levels of migration and (perhaps not coincidentally) considerable public and political skepticism about migration and migrants. Globally, the number of people on the move is large and growing. According to the United Nations, the total number of international migrants in 2013 was 232 million.¹ This constitutes 3.2 % of the world’s population, and if migrants constituted their own nation, it would be the fifth largest. At the same time, public and political reactions against immigrants have grown across the global north.

This volume therefore assembles an interdisciplinary group of scholars to better understand two dimensions of contemporary immigration policy—a growing enforcement and restriction regime in receiving nations and the subsequent effects on sending nations. It begins with three background chapters on immigration politics and policies in the United States, Europe, and Mexico. This is followed by 11 chapters about specific receiving and sending nations—four for the United States, three for Europe, and four for the sending nations of Mexico, Turkey, Peru, and Poland.

¹“International Migration Report 2013.” December, 2013. United Nations, Population Division, Department of Economic and Social Affairs. http://www.un.org/en/development/desa/population/publications/pdf/migration/migrationreport2013/Full_Document_final.pdf

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The contributors include scholars from the fields of political science, sociology, economics, law, and geography. This selection of cases and the multidisciplinary approach provides a unique perspective that supplements more standard case studies and disciplinary research. For instance, while a considerable body of literature examines enforcement dynamics, just one or two nations are typically examined—such as the United Kingdom, France, or the United States. In addition, a growing number of scholars are interested in the social and political consequences of enforcement and restriction for the global south. However, there has been relatively little work (although it is growing) on the global consequences of increased deportations, stronger border security, greater travel restrictions, stagnant economies, and the loss of remittances.

Because restriction is a global phenomenon that affects almost every region, the chapters cast a broad net in order to provide an unusually comprehensive perspective. While not all topics can be covered in a single volume, we hope this project proves useful to scholars, students, researchers, and policy professionals as they seek to understand this new migration environment. In addition, we believe an edited volume is the appropriate format for such a project, as no single author could cover such a wide range of topics and regions².

The United States, Demographic Change, and Immigration Restriction

In the United States, recent decades have seen a fourth “great wave” of migration. Even when net unauthorized migration slowed in the 2010s³—a reflection of the stalled economy and possibly increased deportations and more rigorous deterrence and enforcement efforts—legal immigration continued almost unchallenged. Relatively little of the immigration debate touches on authorized immigrants—approximately one million individuals receive legal status every year, not including nearly 40 million temporary visitors.

Since the 1965 Hart-Celler Immigration and Nationality Act, the United States has undergone a demographic transformation that reflects both legal and unauthorized immigration. This may help to explain the emergence of renewed anti-immigration politics over the last decade. While the business cycle is often assumed to underlie public views of immigrants and immigration policy, Tichenor (2002) found little connection. Periods of demographic change (such as today and the 1920s) or the lack thereof (the 1960s) may be the better explanation.

According to the US Census, the foreign born in 2010 constituted 12.9 % of the overall population, or 40 million people. This reflects continual growth since the

²For more on the contributions of edited volumes to social science research, see Leal (2013).

³Passel, Jeffrey, D’Vera Cohn, and Ana Gonzalez-Barrér. April 23, 2012. “Net Migration from Mexico Falls to Zero—and Perhaps Less.” Pew Research Center. <http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/>

low point in 1970 of 9.6 million individuals and 4.7 %. However, the foreign-born percentage was higher in the late nineteenth and early twentieth centuries—with the record high of 14.8 % in 1890 (US Census Bureau 2013).

This immigrant population is not evenly distributed across the United States, as it remains concentrated in California, the southwest, Florida, and urban areas such as New York and Chicago. However, the foreign-born percentage has grown considerably in many midwestern and southern states, which had relatively low baseline immigrant populations prior to recent changes (Suro and Singer 2002). Such growth in the “new destination states” may help to explain the emergence of contemporary reactions against immigrants, as many Americans now see Latinos where few previously existed, and Latino migration has become a national news story.

One of the most notable features of the contemporary immigration policy climate is the substantial increase in deportations (or removals, to use official US government terminology). In 1995, just over 50,000 individuals were removed (“the compulsory and confirmed movement of an inadmissible or deportable alien out of the United States based on an order of removal”).⁴ By FY 2013, that figure had increased to 438,421—an 8.8 times increase (Department of Homeland Security 2015).

At the same time, the number of returns (typically those apprehended by the US Border Patrol and sent back without a formal order of removal) rose but then declined. In 1995, the number was over 1.3 million, and the high point was 1.68 million in 2000. The figures then hovered around one million until steady declines starting in 2007—with the onset of the Great Recession—and was just 178,371 in 2013 (Department of Homeland Security 2015).

Much of the rhetoric, and justification, for these removals involves “criminal aliens.” The offenses that qualify for removal range from “dangerous drugs” to “criminal traffic offense” to “immigration offenses” to “family offenses.”⁵ In all years, the number of criminal removals is lower than the number of noncriminal removals, sometimes more than twice although in recent years the figures have moved closer to parity.⁶

⁴Department of Homeland Security. 2012. “Table 39: Aliens Removed or Returned: Fiscal Years 1892 to 2011.” *2011 Yearbook of Immigration Statistics*. http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf%20. Accessed February 20, 2013

⁵Simanski, John, and Lesley M. Sapp. 2012. “Table 7: Criminal Aliens Removed by Crime Category: Fiscal Years 2009 to 2011.” *Annual Report Immigration Enforcement Actions: 2011*. DHS, Office of Immigration Statistics: Washington DC. http://www.dhs.gov/sites/default/files/publications/immigration-statistics/enforcement_ar_2011.pdf. Accessed February 20, 2012

Dangerous Drugs includes “the manufacturing, distribution, sale, and possession of illegal drugs”; traffic offenses include “hit and run and driving under the influence”; immigration offenses include “entry, reentry, false claims to citizenship, and alien smuggling”; and family offenses include “child and domestic abuse.”

⁶Department of Homeland Security. 2012. “Table 41: Aliens Removed By Criminal Status and Region and Country of Nationality: Fiscal Years 2002 to 2011.” *2011 Yearbook of Immigration Statistics*. http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf%20. Accessed February 20, 2013

As the background chapter for the United States will discuss, the individuals removed were caught up in a variety of federal programs aimed at “criminal aliens,” sometimes in cooperation with state and local officials. These include Secure Communities, 287(g), the Criminal Alien Program (CAP), and the National Fugitive Operations Program (NFOP). For many, these efforts are controversial because they can ensnare individuals who have committed either no specific crime (aside from immigration violations) or relatively minor crimes in the distant past (Alonzo et al. 2011).

In June of 2011, the Obama administration announced an immigration enforcement reprioritization that would focus on the removal of individuals who present the greatest threat to “national security, border security, public safety, and the integrity of the immigration system.” Because of limited resources, Immigration and Customs Enforcement (ICE) would use “prosecutorial discretion” in stopping, questioning, arresting, detaining, releasing, or removing individuals (US Immigration and Customs Enforcement 2011). This discretion would be based on 19 factors (“not exhaustive”) such as length of presence, ties to the community, age, US citizen relatives, pregnancy of spouse, and individual and family military service. As White House Director of Intergovernmental Affairs Cecilia Muñoz noted, “There are more than 10 million people who are in the U.S. illegally; it’s clear that we can’t deport such a large number. So the Administration has developed a strategy to make sure we use those resources in a way that puts public safety and national security first” (Muñoz 2011).

One year later, the Obama administration would introduce “deferred action” for certain unauthorized immigrants brought to the United States as children (US Department of Homeland Security 2012b). For many advocates of the DREAM Act, this was a welcome, if long overdue, decision. While not providing a path to citizenship or legal permanent residence, it would ease the fears of arrest and deportation for approximately 800,000 individuals (Preston and Cushman 2012). For others, this was a troubling development. According to US Representative Lamar Smith (R-TX), this decision amounted to “backdoor amnesty” and ignored “the rule of law.” He concluded that “The administration’s amnesty agenda is a win for illegal immigrants but a loss for Americans” (Aguilar 2012).

Despite these changes to the policy environment, deportation numbers have not declined. The administration responded to critics by noting the increasing percentage of deportees with criminal records or who otherwise fit ICE’s higher priority classifications (Gomez 2012).

In addition, the federal government is expanding two programs that seek to break the link between unauthorized immigration and employment—E-Verify and workplace audits. These programs have largely replaced the more dramatic, and controversial, workplace raids. For example, the 2008 ICE raid in Postville, Iowa, resulted in significant media coverage and considerable negative publicity (Jones 2012). The Obama administration moved away from this strategy and toward paperwork “silent raids” that target businesses and business owners but do not indict the workers (Preston 2011). In addition, when workplaces are raided, the results are very different than in 2008. As the *New York Times* noted, almost 300 unauthorized Postville workers were convicted of federal offenses and spent time in federal prison. By

contrast, when the United States raided the Chuy's Mesquite Broiler chain in 2011, no workers were prosecuted for immigration offenses.

Nevertheless, E-Verify has been criticized on a number of grounds, ranging from inaccurate database matches to "mission creep" that could have immigrants for national identification cards and even firearm ownership (Nowrasteh 2015a; see also Harper 2015). In addition, libertarians have made the case that "requiring every employee to ask the federal government for permission to work is completely at odds with the free market, and should be a non-starter for Republicans" (Nowrasteh 2015b).

For some, the Obama administration is too favorable to immigration, including the undocumented. According to the immigration-skeptic group FAIR (2010), "The weakening of the 287(g) program, the virtual suspension of worksite raids, the implementation of a diminished enforcement strategy through triage, and the increased refusal to deport illegal aliens are all aimed at weakening interior enforcement of the nation's immigration laws." In addition, according to the Center for Immigration Studies, which advocates reduced immigration,⁷ the number of deportations is exaggerated, with fewer interior arrests over time and "book cooking" to inflate the numbers (Vaughan 2011). A subsequent FAIR (2013) report argued that "Since 2009, the Obama administration has systematically gutted effective immigration enforcement policies, moved aggressively against state and local governments that attempt to enforce immigration laws, and stretched the concept of 'prosecutorial discretion' to a point where it has rendered many immigration laws meaningless."

For others, the reality remains that millions of unauthorized immigrants live in the shadows, subject to arrest at any point. They fear driving, avoid public places, stay at home as much as feasible, and can be forcibly separated from spouses, parents, and children. Many of the deportees have a long-standing presence in the United States and have accumulated considerable social and financial capital; fragile immigrant communities are wounded when they are removed (Hagan et al. 2015). Thousands have been deported for relatively minor crimes, often decades in the past, and immigrant advocates claim that some arrests are the result of ethnic profiling by local police in conservative locales that deliberately target Hispanics. It may be no coincidence that some of these states are the same that enacted Jim Crow legislation targeting African Americans and vigorously resisted the Civil Rights Movement and integration.

The totality of enforcement and restriction policies in the United States can be seen to comprise a strategy of "self-deportation" that first was advanced by Pete Wilson in 1994 (Safire 1994). This approach attracted considerable negative commentary in the 2012 campaign when advocated by Mitt Romney (Landsberg 2012)⁸, but it is arguably consistent with the underlying contemporary federal approach to

⁷According to the CIS website, "many of us at the Center are animated by a 'low-immigration, pro-immigrant' vision of an America that admits fewer immigrants but affords a warmer welcome for those who are admitted." <http://www.cis.org/About>

⁸"What I was saying is, we're not going to round up 12 million people, undocumented illegals, and take them out of the nation. Instead let people make their own choice... And if they—if they find that—that they can't get the benefits here that they want and they can't—and they can't find the job they want, then they'll make a decision to go a place where—where they have better opportunities."

immigration enforcement. Others have called this “attrition through enforcement” (Kobach 2008), which the CIS discussed as follows: “What would a policy of attrition look like? It would combine an increase in conventional enforcement—arrests, prosecutions, deportations, asset seizures, etc.—with expanded use of verification of legal status at a variety of important points, to make it as difficult and unpleasant as possible to live here illegally” (Krikorian 2005).

An additional feature is the expanded and strengthened wall along the US-Mexico border. First required by Section 102 of the 1996 Illegal Immigration Reform and Immigration Responsibility Act, it was amended by the 2006 Secure Fence Act to authorize double-layered fencing for five sections of the border comprising 850 miles (Rosenblum 2012, 16; see also Casellas and Leal 2013). Congress also enacted related programs, such as the Secure Border Initiative (SBI) Network of virtual fencing (suspended by Secretary Napolitano in 2010 and subsequently canceled due to cost and efficiency concerns), the Alternative Surveillance Technology Plan (which includes remote surveillance, including manned aircraft and unmanned drones), and Stonegarden (a cooperative program between the Border Patrol and state, local, and tribal law enforcement agencies). This wall has inevitably proved controversial. In addition to the unfavorable symbolic comparisons to the Berlin Wall, border residents and officials have complained about disruptions to local life and environmental damage. Advocates on both sides of the debate have expressed skepticism about this tactic. Cecilia Muñoz from the National Council of La Raza called the fence a “monument to Congress’s efforts to look like they’re doing something” (Mason 2008) and Mark Krikorian (2011) of the CIS noted that “politicians tend to over-emphasize the importance of fencing.”

In addition, the Border Patrol has been considerably augmented over the decade, growing from 10,000 personnel in 2004 to 21,000 in 2013. Almost all agents—94 %—are deployed along the US-Mexico border.⁹ According to US Customs and Border Protection, the budget for the Border Patrol increased from \$262 million in 1990 to 3.5 billion in 2012.¹⁰

Regardless of whether walls and agents can effectively prevent unauthorized immigration, they represent a considerable investment in resources and manpower by the federal government. According to some, the border has been “militarized” (Dunn 1996; Mosqueda 2013) in a way that is inappropriate for a region that is safer than is widely recognized (Jain and Gaubeca 2013) and where residents have long lived in a binational cultural context. In addition, the border buildup encourages migrants to take more remote and less hospitable paths, which can lead to injury and death (Rose 2012). Others have argued that border walls only serve to increase unauthorized immigration because they disrupt circular migration patterns. Individuals who would have previously returned to Mexico and Central

⁹ See also Espino and Jimeno (2013) for how congressional rhetoric focuses on the US-Mexico border.

¹⁰ US Customs and Border Protection. “United States Border Patrol Program Budget by Fiscal Year.” http://www.cbp.gov/linkhandler/cgov/border_security/border_patrol/usbp_statistics/usbp_fy12_stats/program_budget.ctt/program_budget.pdf

America are now remaining in the United States (Massey, Durand, and Malone 2002; Nowrasteh 2014).

A related debate is whether the United States is experiencing a nativist moment. By focusing on the politics of restriction, this volume does not suggest that all government policies toward immigrants are unwelcoming. Because of the federal nature of the United States, there is considerable variation within and between levels of government. Arizona is not New York, and Farmer's Branch is not Berkeley. In addition, some locales are enacting laws that are friendly to immigrants. A story in the *Washington Post* observed that "Despite recent national attention on such laws as the Arizona measure aimed at cracking down on illegal immigrants, a study released Monday by the Woodrow Wilson International Center for Scholars shows that across the country, more laws expanding immigrants' rights are enacted than those contracting them" (Bahrapour 2010). Some examples of policy variation are whether unauthorized immigrants can pay in-state tuition at state universities and whether they can receive state driver's licenses.

We also see differences within a single state over time. California voters approved a number of restrictive ballot initiatives in the early and mid-1990s, although some of the key provisions would be invalidated by the courts. As typically told, the story is that these initiatives set into motion a Latino political reaction that benefited the Democratic Party. The dynamics may be more complicated, however. Pantoja et al. (2001) found that turnout was higher among the newly naturalized than among other Latinos, thereby suggesting that the political reaction to the ballot initiatives was limited to a specific (although large and growing) section of the Latino electorate (see also Leal 2003). In addition, the ballot initiatives may have created an opportunity cost for the California GOP—the very public ballot campaigns may have provided short-term policy victories and assisted its statewide candidates, but the party lost an opportunity to build support among this fast-growing demographic. A glance at the partisan affiliations of California statewide elected officials (currently all Democrats) and the state legislature (heavily Democratic) indicates the long-term consequences.

Commentators have pointed to this experience as illustrative of the long-term political problems with policies that are perceived as anti-immigrant and anti-Latino. If the growing and increasingly active Latino population sees the GOP as the nativist party, then its political future may be limited. There is also very little evidence that politicizing the immigration issue generates short-term political victories. For instance, Leal et al. (2008) found that the 2006 election saw very few congressional candidates winning because of anti-immigrations appeals, and some may have lost because of them.

One way to understand the nature of contemporary restriction is Tichenor's (2002, 35) distinction between immigration policies and immigrant policies. Much of the contemporary controversy involves immigrant policies, such as the efforts noted above. Politicians and voters in cities and states cannot affect federal immigration policy, so they engage in efforts to deny services to immigrants, criminalize the unauthorized, and act to enforce federal immigration laws.

In addition, Leal (2013) suggested a related dynamic of immigration policy vs. immigration politics. The latter is when immigration policy becomes a political football; the debate changes from a good-faith discussion of policy options to a nativist dialogue that indicts the place of all Latinos in American society. This addresses a contradiction in Latino public opinion about immigration; while earlier research showed that Latinos held more diverse—and even conservative—views than is often assumed (see Chap. 7 of de la Garza et al. 1992), recent polls show strong Latino support for more liberal options. What has changed is the tone of the immigration debate, which is often perceived as anti-Latino and not about immigration more generally.

Perhaps consistent with this account, elected officials have shown little inclination to change legal immigration policies. As noted above, approximately one million people gain legal status every year, and there are few calls to restrict these numbers. In fact, it is more common to hear calls to expand the number of visas available to STEM and high-technology workers. The only aspect of contemporary legal immigration to face occasional criticism is the family preference sibling category, which some see as too generous and promoting chain migration. In fact, it was almost eliminated during the previous round of immigration reform debates in the Bush administration (Leal 2010; Freeman et al. 2013b). Nevertheless, given that “family values” remain an important theme in American politics, it seems unlikely that new caps or restrictions will be easily enacted.

The European Context

The immigration context in Europe is considerably diverse and complex—it may or may not be more so than in the United States, but it is certainly quite different. At the most basic level, while the United States is known as a nation of immigrants, no Europe country can claim such a title. The one nation with considerable immigration before the Second World War is France, which admitted large numbers of mostly Eastern Europeans in the interwar years. Indeed, France stands out against her neighbors in having a long-standing concern about population decline (Noiriel 2006; Spengler 1938) and having identified immigration as one possible solution. As a broad generalization, one may say that the prototypical European country did not undergo significant immigration in the contemporary era until the early 1960s. In addition, a number of European states that developed late both economically and politically were migrant countries up until the 1990s (Greece, Ireland, Portugal, and Spain).

In this context, neither immigration as a state policy nor as a product of unregulated market forces enjoyed the general positive connotations it has possessed in the United States. Rather than immigration being a good in itself, for Europeans the primary and only legitimate argument for mass immigration was as a response to labor market shortages. Tight labor markets in turn were assumed to be a temporary feature of the business cycle, and migrant laborers were never presumed to be necessary or desirable candidates for permanent residency.

These perspectives were quickly unmasked as delusions. The business cycle did reassert itself as the postwar boom yielded to a global recession in the early 1970s. All labor-importing European states halted their intakes of foreign workers, but migration did not cease. Migrants holding work permits stayed on in large numbers even as they lost their jobs. Upon gaining legal status, many sought to bring in fiancées, wives, children, adult siblings, and parents. In addition, the poorly monitored frontiers failed to stop unauthorized entries. The Schengen Agreement of 1985, implemented in 1995, provided that any extra-EU migrants admitted to any Schengen state (only Britain and Ireland stayed out) could move freely anywhere within the Schengen area. The failure of Greece and Italy most prominently to adequately control their borders led to continuing large-scale unauthorized entry. The collapse of the Soviet Union in 1989 and the ensuing Balkans wars produced new sources of refugees, affecting Germany in particular. This eventually led to the modification of the Basic Law's extraordinarily broad asylum provisions that had arguably deprived the state of its sovereign prerogative to distinguish between valid and fraudulent claims.

Morehouse and Blomfield (2011), one of the most thorough inquiries into EU irregular migration, reported that in 2008 the EU had an estimated unauthorized population of 1.9–3.8 million individuals. This population has been estimated to be in decline since 2002 due to the entry of 12 neighboring countries into the EU, regularizations in some nations, and increased border enforcement and cooperation within the EU. Furthermore, the difficult economic situation discouraged irregular entry. In 2008, the irregular population was estimated to be less than 1 % of the total population of member states (6).

The relative number of irregular migrants varies enormously from country to country. In 2008, 11 member states had a maximum estimated unauthorized population of more than 100,000 persons (Portugal, Spain, Italy, Greece, France, Germany, Poland, the Czech Republic, Belgium, the Netherlands, and the United Kingdom). Frontex, the EU agency charged with promoting cooperation in border control, identified seven main migratory routes used to cross into the EU:

- Central Mediterranean route: from Tunisia and Libya to Italy and Malta
- Western Mediterranean route: from Morocco and Algeria to Spain
- Western African route: from the West African Coast to the Canary Islands
- Eastern borders route: from countries across the EU's eastern external land borders in Eastern Europe into EU member states
- Western Balkans route: from non-EU countries in the Balkans into member states
- Albania-Greece circular route: circular migration from Albania to Greece
- Eastern Mediterranean route: from Turkey to Greece by land or sea and to include future Schengen participants Cyprus and Bulgaria

Just as the long land border with Mexico (and Canada) poses considerable challenges to US immigration enforcement efforts, the complexity of entry points into Europe makes protecting national borders a challenging task. One difference is the presence of the EU. By the mid-2000s, European states had in place surprisingly

accommodative and liberal immigration regimes. Scholars have argued that the European Union, which takes a more benevolent view of migrants than do many of its individual states, has pushed successfully for a broadly liberal common policy on issues of asylum, family reunion, access to public benefits, and other matters. For the most part, however, states have continued to make efforts to guard their powers to determine who shall be admitted and under what circumstances (Boswell and Geddes 2011), and immigration policy continues to be a controversial political issue across Europe.

Whether policy has evolved in a more restrictive (“fortress Europe”) or a more inclusive (“embedded liberalism”) fashion is a matter of judgment that admits of reasonable disagreements. We offer a number of observations that may help us understand and assess European immigration policies:

1. The policies that launched large-scale migration to Europe (the postwar guest-worker programs in the late 1950s and 1960s) were undertaken via executive decisions. It is easy to answer “no” to the question of whether European opinion would have approved labor migration schemes if the public had understood that temporary immigrants would likely become permanent residents. There was also little or no public or parliamentary discussion of the wisdom of the temporary programs adopted. The undeniable fact is that in the last half-century, Europe has undergone an unprecedented, fundamental, and irreversible transformation of the composition of its population that has never been legitimated through democratic processes (Kaufmann 2007; Caldwell 2009). As Freeman et al. (2013a, 2) noted, immigration policy may suffer from a “permanent democratic deficit”—although some argue that public opinion can set boundaries for policymakers, and others argue that opinion-policy connections should not be too strong.
2. Proponents of immigration can point to certain advantages of the postwar migration. Migrants compensated for extreme labor shortages after the war and contributed to the economic miracles of that time (Kindleberger 1967). As Europe and other advanced societies confront declining birthrates and aging and shrinking populations, the viability of pension systems is at risk as the proportion of the working population falls at the same time that the number of retirees rises. Numerous commentators cite the immigration of younger and more fertile individuals as the only remedy for this population problem. In the short term, migration will tend to slow the adverse growth of the dependency ratio. However, the scale of the annual intake of immigrants necessary to maintain that effect would likely become both politically and demographically unsustainable (United Nations 2001).
3. If one concludes that Europe has given a cold shoulder to those outsiders seeking to enter, one can find considerable evidence. Perhaps most dramatic is the emergence of conservative anti-immigration parties. In their early days, such parties were small, and although they attracted more than their share of media and scholarly attention, they garnered few votes in national and European elections. As the size of the immigrant populations grew, and as many citizens saw immi-

gration restrictions as too little or too late, a few of these parties enjoyed more success—winning seats in Parliament, joining governing coalitions, and sitting in the European parliament. Such successes were highly controversial, both at home and across Europe. Some leaders were physically attacked, prosecuted for various hate speech offenses, and, in one case (Pim Fortuyn of the Netherlands), assassinated.

4. However one ultimately grades European policies on the admission and settlement of immigrants, some believe Europe faces more serious challenges than does the United States. They point to the absence of immigrant traditions (except perhaps in France), party systems that permit at least a modicum of electoral representation for anti-immigrant constituencies, the presence of large immigrant populations (primarily Muslims) that vary from the largely secular and Christian native-born populations, and reception policies that have turned away from multiculturalism but pay little heed to integration. Such factors all pose difficulties for the future of ethnic-racial-religious relations in Europe.

Effects on Sending Nations

The increase in restrictions on migrants, both in terms of heightened immigration enforcement and more broadly from the Great Recession, has created new challenges for sending nations. The countries that send large numbers of undocumented migrants to the United States have also seen the largest share of forcible returns. For instance, Mexico and the Central American countries of El Salvador, Guatemala, and Honduras together received 93 % of the 391,953 deportations in 2011 (US DHS 2012, Table 41). Thus, recent years have seen the constant arrival of thousands of deported migrants who may be unprepared to reintegrate into society.

Given that under US policy deported migrants are usually detained for weeks or months after their arrest and prior to deportation, these individuals have little or no opportunity to collect documents (e.g., birth certificates, national identification cards, and educational degrees) that are necessary to find employment or apply for available assistance in their home countries (Wheatley 2011). Consequently, many deported migrants add to the unemployed or otherwise floating populations in their home countries. The situation can become very stressful for families that follow deported family members back to the home countries. These families must find ways to survive economically and have their US-born children accepted into public schools (Hamann and Zúñiga 2011).

Another negative impact of home countries receiving large numbers of return migrants is the drop in remittances sent by their nationals working abroad. According to the World Bank (2013), international migrants sent an estimated \$401 billion to developing countries in 2012, with the five largest remittances going to

India (\$69 billion), China (\$60 billion), the Philippines (\$24 billion), Mexico (\$24 billion), and Nigeria and Egypt (\$21 billion each). Migrant remittances represent the largest source of foreign aid for many developing countries, constituting from about one fifth to almost half of the Gross Domestic Product in smaller countries (World Bank 2013). World Bank data show a drop in migrant remittances of several billion US dollars worldwide as the Great Recession started in late 2007, which raised unemployment among foreign workers and caused some to return to their home countries. Mexico, which accounts for the largest number of immigrants in the United States, saw a drop in migrant remittances of 25 % from 2007 to 2010 (World Bank 2010).

Yet, not all the effects of heightened immigration restriction or economic decline in countries of migrant destinations are negative. Some migrants who return voluntarily or because of deportation develop new businesses in their home countries using money earned abroad or through the introduction of new skills learned as migrant workers (Hagan et al. 2011). This form of business development is very important for places where domestic investment markets are limited. In addition, deported migrant youth who grew up in the United States speaking primarily English have become a labor source in Latin American countries for call centers and other industries that require English speakers (e.g., see Buch 2012). Finally, deportations and voluntary return migration reunite families in home countries where a parent, spouse, or other family members had been absent for a lengthy period of time. However, the family reunion may be temporary because many deported migrants remigrate to the United States (Hagan et al. 2008).

The Meaning of Citizenship

One lesson of this volume is the importance of formal citizenship and the power of the state to regulate the lives of individual immigrants and immigrant communities. While this might be seen as a self-evident point, numerous scholars have posited a variety of alternative citizenship categories over the last two decades. The immigration literature in the 1990s increasingly deemphasized the importance of legal membership in a polity, although this development incongruously corresponded with renewed enforcement laws and policies in the United States.

This literature does make an important point—the scholarly expansion of the meaning of citizenship reflected the growing presence of irregular immigrants in the developed world as well as the formal and informal laws, regulations, and practices that served to recognize and deepen their presence. However, such developments may not have diminished state power. While a state can enact amnesties and provide social and even political rights, current events remind us that state capacity is a two-way street. What the state giveth, the state can taketh away. Despite an aura of permanence and inevitability, as suggested by “embedded liberalism”

arguments (see Hollifield 1992) and Freeman's (1995) client politics model,¹¹ the United States illustrates how shifting political tides can recalibrate the meaning and value of citizenship.

Nevertheless, many of the facts on the ground in the developed world are consistent with accounts of substantial transformation: immigrants are present in an expanding number of locales; they are economically, culturally, and even politically engaged (see Leal 2002); they can possess social welfare and civic rights; and the possibility of future amnesties implies a status of future citizens. While there are important differences between the European and American contexts, scholars are unpacking the multiple dimensions of citizenship within and across borders. If citizenship is, as Bauböck (1994, 23) observed, "a kind of membership as well as a bundle of rights," then what does citizenship mean when noncitizens feel such membership and even hold some rights?

Joppke (2010, viii) noted that scholars increasingly "decouple citizenship from the state," with some perceiving rights as disconnected from citizenship and instead "deterritorialized" and lodged in "universal personhood" (Soysal 1994, 1). Castles and Davidson (2000, vii–viii) list multiple dimensions of globalization that are eroding citizenship in developed and developing nations alike: mobility, heterogeneity, multiple citizenships, declining government control, the global economy, and international institutions. Clearly, they argue, "new approaches to citizenship are needed" (viii).

In examining the complexities wrought by mass migration and the forces from "above or below" that problematize citizenship (Bauböck 2003, 704), scholars have posited an array of original conceptions of citizenships. These include multicultural citizenship, cultural citizenship, post-national citizenship, participatory citizenship, active citizenship, quasi-citizenship, ecological citizenship, sexual citizenship, local citizenship, denizenship, transnational citizenship, substantial citizenship, and substantive citizenship. How meaningful these categories might prove is unclear. As noted by van Bochove et al. (2010, p. 345–346), "The concept of citizenship is applied to ever more aspects of social life. . . . There is a tendency to see citizenship as a continuous process of participation and feelings of belonging instead of a status." Under study are a wide variety of individual, group, and governmental practices, acts, and claims that some see as having "blurred the previously clear line separating aliens from citizens" (Bauböck 2006, 9; for additional contributions to this large and growing literature, see Rosaldo 1998; Kymlicka 1995; Jacobson 1996; Basok 2004; Hansen and Weil 2002; Koopmans et al. 2005; Bosniak 2006; Joppke 2007; Bloemraad et al. 2008).

In terms of the state, while few believe the Westphalian system is nearing an end, traditional markers of state sovereignty appear under pressure from the forces of globalization. As noted by Bloemraad et al. (2008, 153), "Traditionally anchored in a particular geographic and political community, citizenship evokes notions of

¹¹ A related debate involving "embedded liberalism" and the stability of immigration policies is whether the events of 9/11 in the United States and 3/11 in Europe led to the "securitization" of immigration politics. For instance, see the competing perspectives in Boswell (2009) and Hampshire (2009).

national identity, sovereignty, and state control, but these relationships are challenged by the scope and diversity of international migrations.” As Joppke (1998, 10) notes, some have pointed to a “challenge to sovereignty” from contemporary migration that sees state capacity and autonomy as matters of degree rather than as facts (Evans et al. 1985; Cornelius et al. 1994). Some scholars posit a new form of post-national membership, one of rights without citizenship, which Joppke finds problematic (see particularly his discussion of the guest-worker experience in Germany).

The debate between Sassen (1998) and Freeman (1998) brings these different perspectives into relief. While Sassen acknowledged that the state continues to play a key role, she found that transnational and globalization dynamics have transformed the state. In the face of international economic and labor mobility regimes, human rights codes, and non-state institutions, the traditional nation state finds its authority and legitimacy increasingly limited in immigration policymaking. Gary Freeman, by contrast, advanced a more robust understanding of state sovereignty. He saw considerable state capacity, and where constraints did exist, they had domestic rather than external sources.

We find some support for the Freeman prediction about immigration and the state in contemporary American politics, where a program of deportation unprecedented in its duration and scope is now a routine feature of the immigration policy landscape. Rather than being constrained by embedded liberalism or international institutions, the last two decades illustrate how strongly a nation state can reverse course. And while legal migration policies and numbers in the United States have not changed substantially, there is no reason to believe they are immune from the same forces that altered deportation policy.

The experience of mass deportation also points out the importance of citizenship and the continuing centrality of the state in the immigration arena. Over the last two decades, alternative conceptions of citizenship have proven of little value to the millions deported. As Hansen (2008, 99) argued, the citizenship literature is preoccupied by “overly abstract questions” that threaten to stretch citizenship into a meaningless concept. Contemporary events remind us of Arendt’s (1951) understanding that only the nation state can guarantee the “right to have rights.” Fox (2005, 176) similarly observed a “big difference between the widely resonant notion of the ‘right to have rights’ and the actual winning of those rights...acting like a citizen is not the same as being a citizen.” While none of this literature discounts the importance of the state, current events are consistent with Freeman’s (1988) argument that state capacity is not only stronger than most scholars believe but is in fact growing. As Joppke (2010, 32) points out, contemporary policies illustrate the fundamental vulnerability of noncitizens.

The Chapters

The volume begins with three chapters that provide background information about the state of immigration politics and policy in the United States, Europe, and Mexico.

In the first chapter, Nestor Rodríguez and Jacqueline Hagan provide an overview of policies in the United States that were implemented mainly with restrictionist motives. The Chinese Exclusion Act of 1882 was the first immigration law to single out a particular nationality for denial of immigration into the country, and the 1924 National Origins Quota Act significantly reduced the volume of immigration from Eastern and Southern Europe. Members of Congress who supported the 1924 Act saw it as reducing the “new immigrants” (Catholics, Jews, labor organizers, socialists, etc.) from these two European regions. Nativists did not believe these newcomers could fit into the US social fabric, which was seen as the creation of previous waves of Northern and Western Europe migrants and their descendants.

The beginning of the Great Depression brought a government drive to ‘repatriate’ thousands of Mexican immigrants to open jobs for US workers, but the government started recruiting Mexican workers back through the Bracero Program during the Second World War. A massive campaign called Operation Wetback deported hundreds of thousands of Mexican migrants during 1954. After undocumented immigration surged in the 1970s and 1980s, the US government enacted a new law in 1986 (the Immigration Reform and Control Act, or IRCA). This was the original “compromise” immigration reform, which offered amnesty to some undocumented migrants while imposing penalties against employers who continued to hire the unauthorized. In 1996, the US government enacted several laws to facilitate deportations and bring about other immigration restrictions, which created pressures on immigrant communities that continue into the twenty-first century.

In the Mexico chapter, Francisco Alba examines immigration dynamics in one of the largest sending nations. He observes that while immigration policy is moving higher on the policy agenda of sending nations, the issue rarely receives the same attention as it does in receiving nations. However, Mexico may be something of an exception to this rule, as it has been actively involved in this policy domain since the postwar period. His chapter title—Changing Fortunes—indicates how Mexico must respond to events in the United States as well as to the varying levels of success in Mexican migration management policies. His chapter begins in the 1940s and moves to the present. The first section starts with the “Bracero” program and ends with the adoption of IRCA in 1986. The second part covers the period from IRCA to the attacks of 9/11, encompassing agreements such as NAFTA in 1993. The last section covers the changing immigration environment in the post-9/11 environment, which short-circuited likely immigration reform in the United States. Throughout, his focus is on the bilateral US-Mexico immigration relationship, with Mexico both undertaking initiatives and responding to the actions of its northern neighbor. He finds that Mexico has not found a clear policy response—but neither has the United States. The author concludes with suggestions for new approaches to the complex issue of bilateral migration management.

In the next chapter, Alexander Caviedes discusses the diverse European situation. In contrast to the US case, Europe migration includes many nations as well as the larger European Union authority and its many component parts. Caviedes discusses past and present similarities and differences between the European and American contexts. He notes that Europe is transitioning from nations of emigration

to nations of immigrants, and the chapter traces how this transition occurred as well as the resulting efforts to regulate worker entry and restrict worker rights. He discusses the early industrialization period, the effects of the world wars, the postwar period, the role of decolonialization, the end of the Cold War, and recent economic changes. The chapter also covers immigrant numbers over time, European policy convergences, the reactions of individual nations, a revival of bilateral agreements, changes in migrant origins, refugee policies, and the role of the European Union, the United Nations, and the World Trade Organization. He details liberalizing and restrictionist influences in contemporary Europe, the recent focus on borders and security, the new Blue Card, the role of Frontex, and the important role of economic trends in driving policy developments.

The next chapter by Capps et al. addresses some of the negative consequences of immigration enforcement, such as raids, detention, and deportations. The authors focus on the social and mental health well-being of migrant families and their children, many of whom are born in the United States. Using data from interviews of 85 families during 2006–2007 in six different sites of enforcement activity, the chapter details a list of harmful effects that result from the deportation of parents. These include loss of parental employment, reduction in household income, dependence on charity and public assistance, lack of food, housing insecurity, depression, suicidal thoughts, and declining physical health. The chapter also discusses a host of emotional and behavioral problems that develop among children in affected families. As the authors point out, the lack of new immigration legislation to address the situation of millions of unauthorized migrants has shifted immigration policy to the enforcement arena, thereby resulting in major social costs for immigrants.

The chapter by Deborah Weissman highlights a key recent immigration phenomenon—the movement of immigrants from Mexico and Latin America to American states with traditionally small Latino populations. Some of these “new destination states” are in the American south, which has a long history of difficult race relations. Given this unique context, how are Latino immigrants treated in states like North Carolina? She argues that while some public entities seek to accommodate the newcomers, others engage in policies that can be interpreted as nativist. She focuses on the 287(g) program, a federal-local cooperative effort to enforce immigration laws. She claims that this “provided new-found authority upon which localities can disguise a local politics of resentments and racial hostilities toward immigrants through the use of the instrumentalities of immigration enforcement powers.” In other words, is immigration enforcement only about immigration, or do historic issues of race and tolerance affect this new policy arena and these new immigrant groups? Although 287(g) is now in decline, eclipsed by Secure Communities, the chapter provides a case study of local immigration enforcement in a “new destination” state.

David Spener seeks to better understand the dynamics of migrant clandestine crossings by relating the story of one Mexican immigrant couple. As the US government increased its enforcement and deterrence policies along the border, immigrants increasingly turned to the assistance of smugglers—known as coyotes—who

were experienced in the ways of covert entry. The chapter argues that while much of the media portrays them as dangerous, a more general danger is posed by the “structural violence” of the immigration enforcement regime itself. His goal is to humanize the unauthorized immigration experience by simply telling the story of this couple and their multiple unauthorized crossings. He also conveys the reflections of the husband about crossing the border and the use of *coyotaje*.

In the following chapter, Mohsen Mobasher describes the social and legal restrictions that Iranian immigrants in the United States have experienced beginning in the late 1970s after militants in Iran took 53 hostages at the US Embassy. As Mobasher explains, in the years prior to the Iranian Revolution of 1978–1979, a small but steady stream of young Iranians came to study at US colleges and universities to acquire skills for Iranian industrialization and technological development. Immediately after the embassy takeover, Iranians in the United States became targets of threats, hate crimes, discrimination, prejudice, and racial profiling. The terrorist attacks of September 11, 2001, brought renewed attacks and restrictions against Iranian immigrants. He argues that many Iranians lost their jobs or faced pressures that caused them to leave the country. Moreover, the US government introduced measures that created new pressures for Iranian immigrants. Thousands of Iranians were detained and many later deported after they voluntarily reported at government offices for registration under a new government requirement. With a growing second generation of Iran Americans, he discusses how the Iranian communities in the United States began to organize to protect their civil rights and protest mistreatment.

The following chapter, by Georg Vobruba, focuses on migration conditions in the EU. As Vobruba explains, this has become complicated due to the rapid social changes of the EU—the “Dynamism of Europe.” This supra-transnational political organization expands territorially and undergoes increasing political consolidation within the framework of relations between core and peripheral members of the union. The migration policies that have been adopted in the EU framework include greater freedom for transnational movements within the EU, but they put pressure on border countries to control unauthorized immigration into the EU territory. Such control is considered essential because arrival at a border country also means arrival into the EU, with the potential for further migration into Europe. Some have referred to the pressure to contain unauthorized immigration in the border states (e.g., Spain, Italy, and Greece) as “Fortress Europe.” Some EU countries, however, find unauthorized immigration beneficial for certain industrial sectors, and thus this migration has not ended. As the chapter describes, the migration situation in Europe, including restrictive policies, should be analyzed within the broad political and growth dynamics of the EU region and its relations with adjoining states.

In the next chapter, Francisco Javier Ullán de la Rosa provides a detailed overview of immigration demographics and policy in Spain, including the effects of the recent economic crisis. He notes that Spain has only recently become a major immigration destination nation; from 1985 to 2011, the number of immigrants increased by 23 times, a considerable demographic change. Ullán de la Rosa examines the unique features of this new population, which includes traditional economic

migrants, retirees from other European nations, and the largest number of Latin American migrants outside of the United States. Despite the rapid growth of the immigrant population, the significant cultural commonalities between Spaniards and Latin Americans have led to a lower level of conflict. In terms of policy, he describes a relatively liberal and tolerant Spanish approach, even after taking into account EU directives. Nevertheless, he describes how Spanish policies favor Latin American immigrants and work to discourage or prevent migration from many other nations.

In the immigration policy literature, relatively little research has examined Russia and the states of the former Soviet Union. Timothy Heleniak examines this less well-understood nation, which has become a major destination nation and contains the world's second largest share of immigrants—lagging only the United States. Beginning with the collapse of the Soviet Union, Heleniak outlines the unique features and trends of the Russian case and the larger Eurasian migration nexus. He discusses the policy actors, the legal framework, the immigrants themselves, the contextual factors that structure immigration policymaking, the bureaucracies, the relationship between Russia and the other successor states, internal migration, the role of security concerns, and the legacy of the Soviet past. He posits three general immigration policy periods since 1991, finding that after some initial liberalization, the general trend is a greater degree of restriction. However, the Russian government also responds to economic needs for more workers, particularly as the native population began a sharp decline in the post-Soviet era.

Claudia Masferrer and Bryan Roberts then discuss the dynamics of Mexican return migration from the United States. They begin with a discussion of return migration (including its decline) and discuss the changing nature of restrictions facing migrants. They then examine the experience of return (or returned) migrants, the characteristics of returnees, changes in destinations over time, and the impact of returnees on communities. Using both quantitative data and interviews, they find that more recent immigrants are returning to different locations—specifically, to the border region, larger cities, and more economically vibrant smaller towns. They are less likely to return to rural areas in central Mexico. In addition, because of greater restrictions in the United States, much returned migration is now unplanned, which increases the difficulty of immigrant reincorporation.

In the next chapter, Ahmet İçduygu and Deniz Sert discuss concepts and experiences of return migration from the perspective of Turkish “guest workers” in Germany. As they explain, return migration is not always a planned or inevitable outcome, and the return to the home country can result from multiple causes. The theorization and analysis of return migration is still developing as new forms of return migration are emerging. For example, some migrants undertake a series of moves back and forth between the countries of origin and destination, which some analysts describe as being part of the experience of transnational migration. Given the multistage development and phases of Turkish guest-worker migration to Germany over the decades, Turkey provides rich material for understanding how return migration unfolds as part of family development or family fragmentation. As

the chapter explains, individual, family, and structural factors, including maltreatments of migrants in foreign countries, play important roles in generating return migration. Micro and macro perspectives are therefore necessary to fully grasp the complexity of the movement back to the homeland, whether temporary or permanent.

Catherine Wihtol de Wenden then describes how the formation of the European Union (EU) has included a complex system of rights implemented across different time intervals for European workers to migrate to different EU countries to look for employment. She uses the case of Polish migration to the United Kingdom and Ireland during recent times of economic decline to explain the complex and inter-related conditions that affect labor migration, including return migration, among EU member countries. According to de Wenden, Polish workers began migrating to the United Kingdom, Ireland, and other EU countries after Poland was admitted into the EU on May 1, 2004. However, the 2008 economic recession and rising unemployment placed pressure on Polish migrants working abroad, and native social movements emerged to protest against foreign-born workers. Skilled Polish migrants were able to survive abroad more easily than lower-skill laborers during the recession, but even some less-skilled workers hesitated to return to Poland because of the country's very high rates of unemployment. Yet, other Polish migrant workers returned to Poland during the recession because they faced even more unfavorable conditions abroad. The increasing possibility of migration to different EU countries energizes the migration of Polish workers but also decreases the time these workers spend outside Poland.

In the final chapter, Teofilo Altamirano focuses on a little-studied group of migrant workers in the United States, the case of Peruvian shepherders who are imported with temporary work visas to herd sheep on US ranches. As Altamirano discusses, sheep ranchers began importing herders since the early twentieth century from the Basque region of Spain, but in the 1970s an association of sheep ranchers began recruiting shepherders from Peru. Almost all of the imported Peruvian herders are from Quechua-indigenous poor communities in the central highlands of Peru, where shepherding has transpired across many generations. As Altamirano describes, in the US sheep ranches in California, Utah, Wyoming, and other Western states, the imported Peruvian herders experience two levels of restrictions. One level is the personal restriction of herding work. It is an occupation of solitude with little human contact during the long pasturing season, spent with only the sheep, a horse, and two dogs for company. The second level of restriction concerns the limited compensation the Peruvian shepherders receive, often less than the minimum wage, and the confiscation of their passports by ranch owners who fear that these workers will leave to look elsewhere for better work. While the Peruvian shepherders do not face the daily fear of immigration enforcement that many other foreign workers experience, especially the undocumented, the chapter describes how they nonetheless must cope with long periods of isolation and working conditions heavily regimented by their employers.

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Part I
Setting the Stage: Background Chapters
on the USA, Mexico, and Europe

Chapter 2

US Polices to Restrict Immigration

Nestor P. Rodríguez and Jacqueline Hagan

Abstract The history of US immigration has included both restrictive and expansive phases, and this chapter focuses on the former. In the late nineteenth and early twentieth centuries, fear of racial and ethnic demographic change motivated restrictive immigration legislation ranging from the Chinese Exclusion Act (1882) to the Johnson-Reed Immigration Act (1924). During the Great Depression, the US Government repatriated almost half a million Mexicans through deportations and less formal pressure. Beginning in the late 1940s, the Border Patrol undertook campaigns in the Southwest against undocumented Mexican migrants, culminating in Operation Wetback in 1954, which removed over a million migrants to Mexico. The Immigration Reform and Control Act (IRCA) of 1986 extended amnesty to almost three million undocumented migrants while also creating penalties for employers of the unauthorized. In 1996, legislation such as the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) dramatically expanded the grounds for deportation. Nevertheless, many scholars maintain that restrictive immigration measures often fail to deter unauthorized immigrants, and instead of curtailing circular migration the measures encourage informal, extralegal flows.

The history of US immigration is dotted with numerous laws and enforcement campaigns to restrict immigration and to undertake measures to rid the country of unauthorized immigrants. Even prior to the formation of the USA in 1776, Benjamin Franklin attempted to rally fellow English colonists to restrict German immigration, which he viewed as a major threat to the survival of the English language and the “white” race in the colonies (Franklin 1751). Among congressional policies to restrict immigration, the Chinese Exclusion Act of 1882 stands out as the first act to restrict immigration from a specific country.

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In the early 1900s, US policies to restrict immigration further extended the focus on individual characteristics, e.g., illiterates, anarchists, and persons suffering from poor mental health. And having excluded Asian immigration wholesale through the Asiatic Barred Zone Act of 1917, Congress restricted eastern and southern European immigration through the Emergency Quota Act of 1921 and the National Origins Act of 1924. The new laws specified immigrant quotas to be 2 percent of a group's population in the 1890 US Census, thereby providing larger quotas to immigrants from northern and western Europe.

Undocumented Immigration and Early Debate on Mexican Immigrants

Unauthorized immigration has motivated public debate and government restrictions since the early twentieth century. In this chapter, we take the perspective that US employer practices of seeking abundant low-wage, and comparatively docile, workers for labor-intensive industries helped to stimulate the growth of unauthorized immigration, while poor employment conditions abroad (especially in Mexico) helped to make available a large migrant labor supply to meet this demand (Massey et al. 2002). Unauthorized immigration has resulted, in our view, from the development of economic relations between countries and world regions ahead of government policies to accommodate international labor transfers. As such, unauthorized labor migration is not solely a product of individual agency but also a consequence of structural development in which employers extend labor markets beyond the borders of the nation-state. Moreover, the state also has indirectly stimulated unauthorized migration flows when it implements policies out of sync with the reality of international labor demands, thereby encouraging foreign workers to undertake irregular migration to US labor markets.

Unauthorized immigration became a much-debated topic in the USA in late twentieth century, but it had been debated in Congress since the late 1920s. Two years after the passage of the National Origins Act of 1924, some Congressional members proposed adding Mexico and the rest of the Western Hemisphere to the quota system (Cardoso 1980). Proponents argued that allowing Mexican immigration to continue without a quota, and outside the regulations of the 1917 Immigration Act (which excluded illiterates and potential public charges), would bring hardship to US workers as well as create racial tensions as the unauthorized Mexican immigrant population spread (Hoffman 1974).

While this early attempt to impose quotas on Mexican migrants failed, the intended goal to restrict Mexican immigration was accomplished in 1928 when the US Department of State instructed US consulates in Mexico to enforce the 1917 Immigration Act for visa applicants. The subsequent wholesale denial of visas for Mexicans on the grounds that the applicants would likely become public charges, compounded by the inability of many Mexican workers to pay the total fee of \$18 for a visa, dramatically reduced the number of Mexicans entering the USA with

visas. The 2,457 US visas granted to Mexicans between 1930 and 1931 represented a 96 percent drop from the average number of 62,000 visas granted to Mexicans from 1923 to 1929 (Hoffman 1974). This period of legal Mexican labor immigration came to an end.

Repatriation

With the beginning of the Great Depression, US Government officials claimed that four hundred thousand unauthorized migrants were in the country and that many were holding jobs that belonged to US workers (Cardoso 1980). Local charitable relief organizations also felt overwhelmed by demand and wanted to focus their resources on native-born Americans. The federal government initiated a series of raids across the country to locate unauthorized migrants, mainly targeting Mexican migrants. Local officials joined the federal efforts to round up suspected unauthorized Mexican migrants or to pressure Mexican immigrant families to voluntarily return to Mexico.

The actual number of undocumented migrants located was much lower than government predictions, but from 1929 to 1937 some 458,039 immigrants were repatriated to Mexico, according to the Mexican Migration Service (Hoffman 1974). US Government counts indicated that 165,668 unauthorized migrants had been removed in this period (U.S. DHS 2009, Table 33), which meant that many, and probably the majority, of repatriated Mexicans had been legal immigrants and their US-born children.

Operation Wetback

The US Government highlighted the issue of unauthorized immigration again when it launched border campaigns in the Southwest in the late 1940s to apprehend and expel unauthorized Mexican migrants. Interestingly, the campaigns started as a response to complaints by the Mexican Government that too many Mexican workers were leaving Mexico for the USA, creating a labor shortage for Mexican employers (Lytle Hernandez 2010). As early as 1943, Mexican officials asked US officials to increase enforcement at the US-Mexico border to prevent the unauthorized immigration of Mexican workers in order to keep workers in Mexico (Lytle Hernandez 2010).

What was spurring unauthorized Mexican labor migration to the USA since the early 1940s was the Bracero Program agreement between the US and Mexican Governments to import temporary Mexican labor into the USA, mainly for agricultural work (and railroad work until 1945), during World War II (Cavalita 1992). The American Farm Bureau originated the idea of the Bracero Program as a remedy for claimed labor shortages caused by the war. However, the numbers of Mexican workers who wanted to work in the USA exceeded the numbers that were contracted

as braceros. Consequently, many Mexican workers who were not contracted as braceros migrated on their own to work in US farms, often encouraged by US employers (Martin 2003). As the number of annual bracero importations grew from less than a hundred thousand to hundreds of thousands annually in the late 1940s and early 1950s, the numbers of unauthorized Mexican migrants also climbed sharply, much to the advantage of large growers who hired both braceros and unauthorized migrants to work in the same agricultural fields, protected by the “Texas Proviso” that specifically excluded employment from the federal definition of “harboring” unauthorized immigrants (Martin 2003).

US border enforcement drives to remove unauthorized immigrants from the Southwest started in earnest in the 1944–1945 period and included an agreement with the Mexican Government to remove the deported migrants to distant interior points in Mexico (Lytle Hernandez 2010). From 1945 to 1949, US Border Patrol arrested over 840,000 unauthorized migrants, and from 1950 to 1953 it arrested 2.4 million (U.S. DHS 2009, Table 33). The roundups of unauthorized Mexican migrants, which received Mexican government support, culminated in Operation Wetback in 1954 when US Government officials organized military command units to apprehend and remove a reported 1,089,583 unauthorized migrants, mostly Mexicans, in the fiscal year (Acuña 1981; U.S. DHS 2009, Table 33).

Apprehensions of unauthorized Mexican migrants dropped sharply after Operation Wetback, but rose again in 1965, a year after the Bracero Program was terminated. With the loss of the primary legal way to enter the country, the annual arrivals of thousands of Mexican migrants to work in agricultural and other industries shifted to the informal mode of unauthorized immigration, again much to the advantage of US employers who no longer had to enter into formal contracts with Mexican braceros (Massey et al. 2002).

The unauthorized migration northward in the 1960s and 1970s to labor markets in the USA paralleled internal migration in Mexico. Thousands of Mexicans migrated to Mexican urban areas, especially to Mexico City, to look for work in the context of a national economy with limited prosperity for workers, with only a few exceptions (Balán et al. 1973).

Return of Undocumented Migration

By the mid-1970s, unauthorized immigration reached an annual high volume level that was to continue almost unabated for three decades. This increase in unauthorized immigration occurred in the context of transformations that altered the nature and dynamics of unauthorized migration. One transformation involved the restructuring of the national economy into what some analysts have termed “the Great U-Turn” (Harrison and Bluestone 1988). Economic restructuring involved several phases in which the US corporate sector reorganized production and other economic activity to make itself more productive and profitable to compete in the world economy. The Great U-Turn involved wage cuts, shifts from permanent labor to

temporary labor, outsourcing, contracting and subcontracting work, and fighting organized labor head on (Harrison and Bluestone 1988). In addition, the Great U-turn created a demand for the type of labor that many unauthorized workers represented, that is, a labor supply that was eager to work, accommodated to lower wages, and relatively easy to control given its extra-legal character (see Piore 1979).

As Sassen (1988) describes, the transformation of the 1970s and 1980s also involved the development of a large, low-wage, service industry labor force that accompanied the growth of highly skilled, professional workforces. The professional and managerial work forces that emerged in the 1970s and 1980s with the growth of the business service sector created a new labor demand for low-wage workers to provide a host of personal services, ranging from restaurant workers and parking attendants to domestic servants and dog walkers (Sassen 1988). This new labor demand, which was concentrated in the large urban areas where corporations are usually located, beacons especially to unauthorized migrant workers looking for quick entry points into the labor market (Piore 1979).

New Undocumented Latino Migration

A third transformation that began in the late 1970s and accelerated in the 1980s concerned the composition of unauthorized immigration. Historically, Mexicans predominated in unauthorized immigration flows, with few Asians or other migrants. The late 1970s and early 1980s, however, saw growing numbers of Central Americans and, to a lesser but still significant degree, growing numbers of Asian and other migrants, some coming from the Caribbean region and others from the Middle East and Europe (Portes and Rumbaut 2006). Mexicans still dominated the unauthorized flow into the USA, but their proportion of the total flow diminished as thousands of Central Americans arrived without visas fleeing from political and social turmoil in their countries, especially from El Salvador, Guatemala, Honduras, and Nicaragua.

The numbers of “deportable” Salvadoran and Guatemalan unauthorized migrants apprehended by the Border Patrol, mainly in the Southwest border region, grew significantly after 1975—reaching 11,414 apprehended Salvadorans and 4,421 apprehended Guatemalans in 1979 (U.S. INS 1979, Table 30). The numbers of apprehended unauthorized Central Americans increased over the years, and a decade later, in 1989, the US Immigration Service reported 20,251 apprehended Salvadorans and 13,434 apprehended Guatemalans (INS 1990, Table 62). While the figures of apprehended “deportable” migrants are not a count of unauthorized immigration, the numbers nonetheless reflect secular trends of unauthorized migration activity in the border region and are correlated with estimates of the unauthorized immigrant population in the country (Espenshade 1995). According to Espenshade (1995), the numbers of the unauthorized migrant flow in 1977–1988 were 2.2 times the numbers of migrants arrested by the Border Patrol.

Unauthorized Central American immigration in the 1980s changed the image of undocumented immigration established by Mexican migrant workers. Many Central

American men and women who emigrated from areas of political conflict and violence applied for asylum in the 1980s, but the US Government granted asylum to only a very small percent, with some exception for Nicaraguans. For example, from June, 1983, to September, 1986, the US Government granted asylum at a rate of 2.6 percent for Salvadorans, 0.9 percent for Guatemalans, 2.5 percent for Hondurans, and 14.0 percent for Nicaraguans, while it granted asylum to 21.4 percent of Chinese and 26.0 percent of Vietnamese applicants (U.S. INS 1983, 1984, 1985, 1986).

The pattern in the 1980s of granting higher rates of asylum to applicants from countries with governments the US government opposed and lower rates to applicants from countries with governments the US Government supported suggested a geopolitical influence at play in the asylum decision-making process. The larger context was the Reagan administration's Cold War policies, which increased US support for authoritarian governments fighting leftist insurgencies (Gzesh 2006).

In 1985, a group of religious groups and refugee organizations filed a class-action lawsuit in federal court against several US Government agencies alleging discriminatory practices in deciding asylum cases of Guatemalans and Salvadorans. The case, *American Baptist Churches v. Thornburgh* (initially known as *American Baptist Churches of the U.S.A. v. Meese*), was settled in 1991 when the plaintiffs and the US Government agreed that the asylum applications of eligible Guatemalan and Salvadoran applicants would be considered anew and under new published regulations (Gzesh 2006).

More than changing the faces of undocumented Latino migrants, the new unauthorized immigration of Central Americans linked the issues of undocumented immigration to domestic social causes and movements addressing US military intervention in Central America. This new emerging perspective coalesced in the Sanctuary Movement, which was a loose coalition of religious and immigrant-rights groups that acted to support unauthorized Central American migrants (Davidson 1988). Sanctuary Movement participants and supporters viewed unauthorized Central American migrants as political refugees fleeing brutal rightist governments, or as refugees from counterrevolutionary violence in the case of Nicaragua, in which the *contra* force was supported by the USA. Through its work with Central American immigrants, the Sanctuary Movement and its supporters changed the concept of unauthorized immigration from a purely economic process associated with the Mexican migrant-labor experience to a geopolitical issue connected to US foreign policy of military intervention.

Immigration Reform and Control Act

Concern grew among some members of Congress as the number of apprehensions of unauthorized migrants by the Border Patrol increased to more than a million per year by the late 1970s. A bill had been introduced in Congress in 1971 to make the hiring of undocumented migrant workers a federal crime in order to close the US

labor market to unauthorized migrants (Rico 1992). This bill, and other restrictive proposals, failed to gain majority approval in Congress, partly because business groups worked to keep the supply line of undocumented labor migration unrestricted. Nonetheless, as the annual numbers of apprehended unauthorized migrants averaged more than a million migrants from 1977 to 1985 (which meant that a larger number of undocumented migrants were reaching the interior), Congress reached an agreement in 1986 on a new immigration law, titled the Immigration Reform and Control Act (IRCA), also known as the Simpson-Mazzoli Act after its Senate and House sponsors (Rico 1992).

The law had a dual-policy approach to restrict unauthorized immigration. On the one hand, IRCA offered amnesty and a legalization program for undocumented migrants who had been in the USA in good standing since at least January 1, 1982 (with an exception for agricultural workers, who were required to have been in the country only 6 months prior to the new law). On the other hand, IRCA required employers to certify that their employees were authorized workers, making it a federal crime to hire unauthorized workers. Mexicans were the main focus of the IRCA planners, since most unauthorized Central American immigrants had arrived less than 5 years before the new law. Almost 3.0 million unauthorized migrants gained amnesty and legal status through IRCA (Massey et al. 2002; Kerwin 2010), almost three times more than anticipated. While the number of unauthorized migrants apprehended at the Southwest border dropped by a third the year after IRCA was enacted, it rose quickly again in the years that followed. Whether this law was a success or failure is a subject of debate, but as the last example of “comprehensive” immigration reform, its lessons are relevant to today’s immigration debates. For example, some immigration skeptics note that the amnesty transpired but the enforcement did not, thereby suggesting that any future comprehensive legislation would likely see a similar fate. Others argue that bringing millions out of the shadows is intrinsically positive, and that punishing employers is a problematic way to enact immigration reform.

Restriction at the Border

As government estimates of the unauthorized immigrant population in the country reached five million in the mid-1990s (U.S. INS 1997), and was estimated to be growing by about 200,000 annually (Singer and Massey 1995), the Border Patrol began to implement a series of intensive enforcement operations in a new strategy of “prevention through deterrence.” The plan was to seal off the most popular (and safest) border crossing points for unauthorized immigration (U.S. GAO 1997). This left dangerous desert terrain and waterways as the main alternatives for unauthorized crossings, which the Border Patrol assumed would deter unauthorized migrants (Eschbach et al. 1999). Modeled after an initial intensive enforcement effort in El Paso called Operation Blockade (later diplomatically renamed Operation Hold the Line), the strategy of prevention through deterrence proceeded with a number of

special operations in Border Patrol sectors, such as Operation Gatekeeper in the San Diego sector and Operation Rio Grande in the McAllen sector (Nevins 2002).

The Border Patrol hailed the border operations a success because they reduced illegal entries at the points where they were implemented, but a study by the Government Accountability Office concluded that more data was needed in order to evaluate the effectiveness of the operations (U.S. GAO 1997). Moreover, the overall arrest numbers of unauthorized crossers in the border region remained the same. This indicated that the strategy of prevention through deterrence was re-directing the unauthorized immigration flow to other points on the border, not stopping the flow. The strategy was “funneling” the flow to the unauthorized entry alternatives of dangerous desert areas and waterways (Rubio-Goldsmith et al. 2006). An analysis of migrant deaths at the Southwest border region showed that the annual numbers of unauthorized migrant deaths shifted away from areas of intensive enforcement to areas of dangerous terrain (Eschbach et al. 1999). As the border enforcement campaigns took effect, the annual numbers of deaths of unauthorized migrants calculated from reported data at the border accumulated and reached 1034 for the 5-year period of 1993–1997 (Eschbach et al. 1999). The annual number of reported migrant deaths at the border rose from 266 in 1998 to 472 in 2005 (U.S. GAO 2006).

Illegal Immigration Reform and Immigrant Responsibility Act

Another major initiative of the US Government to gain greater control over immigration was the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996. IIRIRA changed the character of immigration legislation from post-1965 measures focused on facilitating immigrant accommodation and integration to new means of control and removal for some categories of immigrants (Rodríguez and Hagan 2004). To restrict unauthorized immigration and remove deportable migrants, the act increased Border Patrol funding, facilitated the deportation process, encouraged state and local police involvement in immigration control, raised the income requirement for sponsors of new immigrants, provided funds for the construction of a physical barrier at the US-Mexico border, and in several other ways increased the resources for immigration enforcement (Rodríguez and Hagan 2004).

IIRIRA dramatically increased the numbers of migrants detained and deported under new measures of the law that mandated detention and removal for the many new deportable offenses (criminal and non-criminal) specified by the law. This impact was immediate: the government removed 50,924 migrants the year prior to the enactment of IIRIRA (1996) and 114,432 the year after the enactment of the law (U.S. DHS 2009, Table 36). In 2003, the creation of Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) accelerated the deportations, as the new bureau became a virtual national deportation police force. In 2011, DHS reported 391,953 migrants deported (U.S. DHS 2012, Table 41).

Annually, the large majority of deported migrants have been Mexicans, and the majority of deportations have been for non-criminal offenses (U.S. DHS Department

of Homeland Security 2009, Table 41). But the difference between criminal or non-criminal reasons for removal has not affected the orders of deportation; removed migrants have been banned from returning to the USA for a period of years, and many were banned permanently.

A random survey conducted in 2002 in El Salvador of 300 migrants deported from the USA found that the profile of deported migrants contrasted with US Government claims that removals focused on dangerous individuals. The survey found that 58 percent were deported for non-criminal violations, 78 percent had been employed prior to deportation, and the average time spent living in the USA prior to removal was 8 years (Hagan et al. 2008). Moreover, the majority of the sample were fluent in English and had spouses in the USA who were US citizens or legal permanent residents. Of the 172 deported migrants who responded to the question of whether they planned to remigrate to the USA (and possibly face imprisonment if apprehended), 53 percent answered yes. The migrants who answered yes most often were the ones who had left spouses and children younger than 18 years of age in the USA when they were deported (Hagan et al. 2008).

From its inception, ICE took an aggressive posture towards the enforcement of IIRIRA deportation measures. Only 5 months after its creation in March 2003, it developed a strategic plan, titled the “Endgame,” with the intention of removing all “deportable aliens” by 2012 (U.S. ICE 2003). While the Endgame goal was unrealistic, the enforcement actions of ICE became a major source of the dramatic increase of deportations after its formation. Additionally, the US Government contracted with private corporations and local governments to rent additional detention space, and it expanded the construction of the US-Mexico border barrier (with new high-tech surveillance equipment) across more than 600 miles. Even at a cost of \$2.6 billion, the GAO would repeatedly report major defects and setbacks (U.S. GAO 2010).

State and Local Restrictions

Government efforts to restrict unauthorized immigration increased in the beginning of the twenty-first century and expanded to include actions taken by state and local governments. As Section 287(g) of IIRIRA encouraged state and local police forces to participate in immigration enforcement, state and local governments began to see a bigger role for themselves in legislating enforcement against unauthorized immigrants. While some states had long denied unauthorized migrants permission to attend public universities and colleges (Olivas 2009), some state and local governments went farther and passed laws to restrict the ability of unauthorized migrants to drive, to rent, and to congregate in certain areas to look for work. A highpoint of sorts in state laws passed to restrict unauthorized migrants was reached in Arizona in May 2010 when the state government passed S.B. 1070, which allowed police forces in the state to question and arrest persons suspected of being unauthorized migrants (see Magana and Lee 2013).

State and local communities received additional means to participate in immigration enforcement in 2008 when DHS began the Secure Communities program for local police departments to share information of suspected deportable migrants with ICE. While state and local police departments had long shared fingerprint files and other information about arrested individuals with the Federal Bureau of Investigation, through participation in Secure Communities state and local police could also share the information with ICE for possible identification of deportable migrants. By 2011, ICE made available the Secure Communities program in 1,595 jurisdictions in 44 states and territories and planned to complete the implementation to all state and local jails by 2013 (Immigration Policy Center 2011). As Secure Communities became a more central part of federal immigration enforcements efforts, the 287(g) program went into decline.

Conclusions

Restrictive immigration policies have been part of US legislation since the late nineteenth century, and they have paralleled the changing conditions of immigrant flows. While such restrictions seem commonplace today, it bears mentioning that few immigration restrictions existed for the first century of American history. During this time, the nation was far more open in terms of migration and naturalization, so it is not the case that contemporary policies are natural or unavoidable. Our own history shows alternative models of how to include and incorporate the stranger.

In the twentieth century, undocumented immigration has been a key factor motivating new policies of immigration restriction and border enforcement. After the large-scale removal campaigns of the repatriations of Mexicans during the Great Depression and arrests and expulsions of undocumented Mexicans that culminated in Operation Wetback in 1954, IIRIRA stands as the most recent removal policy affecting millions of migrants and family members in the USA. Yet, some analysts have argued that it was the US economic recession that began in late 2007, and not so much restrictive policies, that served to reduce undocumented immigration (although perhaps only temporarily).

Looking at decades of data on immigration statistics and policy budgets, leading scholars of immigration have concluded that massive border enforcement has wasted billions of dollars and caused a large number of human deaths (Massey et al. 2002). Moreover, not only have the enforcement policies not accomplished their goals, but they also had made enforcement more inefficient and actually promoted new black markets for unauthorized labor, harmed the wages of legal residents, and caused unauthorized migrants to go farther underground. In addition, the scholars argued massive border enforcement corrals inside the country millions of unauthorized migrants who normally would return to their home countries on a seasonal, circular basis (Massey et al. 2002). The unintended consequences of immigration enforcement aimed at removing unauthorized immigrants may therefore, and ironically, be larger numbers of unauthorized immigrants.

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Chapter 3

Changing Fortunes: Mexico and Mexican–US Migration

Francisco Alba

Abstract The purpose of the chapter is to review Mexico’s responses to out-migration from Mexico—traditionally destined for the USA—since the early 1940s. The term “changing fortunes” alludes to the successes and failures of past Mexican responses to Mexico–US migration. By doing so, the chapter hopes to shed some light on current dilemmas in migration management. From today’s vantage point, Mexico’s responses to migration constitute a mixed record, sometimes successful but at other times disappointing. Although the review focuses on Mexico, US responses are touched upon as well. The first part briefly covers the period from the “Bracero Programs” to the enactment of IRCA (from 1942 to the 1980s). The second section reviews a period that experienced important episodes of bilateral cooperation in migration management, including its most salient episodes, the North American Free Trade Agreement (starting in 1994) and the bilateral migration negotiations in 2001 (which ended abruptly and almost immediately after the events of September 11). The third part reviews the main responses and positions adopted in the post-9/11 era. The chapter concludes by considering ways to encourage Mexico and the USA to explore novel and innovative approaches to deal with and manage this phenomenon.

Introduction

Over the last three decades, international migration has become an increasingly salient policy issue, at times commanding the highest political attention in the international community and in most of the advanced receiving societies. Perhaps not surprisingly, immigration policies in these countries are heatedly debated, and we often see quite similar orientations toward immigration control policies.¹

¹ This process has been described as “the convergence-hypothesis” (see Cornelius et al. 1994).

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In countries of origin, while migration has not historically ranked high in national policy considerations, this is beginning to change. Nevertheless, the migration issue is rarely considered one of the most important issues as ranked by public opinion, political actors, or scholarly communities. The fact that international migration is accorded more importance in receiving countries than in origin countries is understandable, given that the effects—economic, social, political, and demographic—of migration flows usually are greater or stronger (for better or worse) in receiving countries than in origin countries.

As a matter of fact, countries of origin rarely have explicit out-migration policies (policies to manage or deal with migration in the proper sense of the term, or migration policies narrowly defined), although they usually have “responses” vis-à-vis the emigration phenomenon (in the sense of general attitudes and postures). Within this context, Mexico might be an exceptional case, due, on the one hand, to its sizeable out-migration since the 1940s and, on the other, to the relatively active involvement of the Mexican government on migration issues since those same years.²

Mexico’s responses to the migration of its citizens to the USA have merited all sorts of evaluations over the years. The Mexico–US Binational Study on Migration used a model of action-reaction to understand the pattern of migration responses by the two countries.³ However, after 9/11, Mexico came to a difficult crossroads in managing its migration flows. It was confronted with a US context where “the economic logic of market forces” has been losing weight in migration policymaking in favor of non-market logics, like “the cultural identity logic” or “the national security logic.” Today, Mexico faces a difficult binational immigration policy environment; there is no immigration reform on the US horizon, and the profound fiscal crisis that began affecting the USA in late 2007 has led to a weak or diminishing demand for Mexican migrant workers.

This adverse scenario—of anti-immigrant sentiment⁴ and a deep economic recession—followed, rather unexpectedly, an encouraging and optimistic period during the first 8 months of 2001. At the start of the Bush administration, Mexico and the USA were seriously engaged in finding a mutually acceptable “agreement” to manage migrant flows and to diffuse the migration issue. This unfolding of events suggested, at first, the title of this chapter: the term “changing fortunes” alluded to the vagaries of life, as Mexican migratory responses in this decade have been subjected to arbitrary forces that affect human affairs. However, the term “changing fortunes” also refers to the successes or failures of an enterprise. This second meaning is the perspective adopted to review past Mexican responses to Mexico–USA migration—and by doing so shed some light on current dilemmas in migration

²The Mexico–USA migration system started to develop much earlier than most other contemporary systems that are generally related to contemporary development and globalization phenomena.

³Commission on Immigration Reform and Secretaría de Relaciones Exteriores, *Binational Study on Migration Between Mexico and the United States*. Mexico, 1997.

⁴The rising anti-immigrant sentiment has been considered as part of widespread neo-isolationist tendencies in the USA (Chua 2009).

management. From today’s vantage point, the fortunes of these responses exhibit a mixed record, sometimes successful but at others times disappointing.

The purpose of this chapter is to review Mexico’s responses vis-à-vis out-migration from Mexico since the early 1940s⁵ traditionally destined for the USA.⁶ This review focuses on Mexican responses, but US responses are touched upon as well. The document is divided into three chronological sections. The first briefly covers the period from the “Bracero Programs” to the enactment of IRCA (from 1942 to the 1980s). The second reviews a period (from the 1990s to 2001) that experienced important episodes of bilateral cooperation in migration management, including its most salient episodes, the North American Free Trade Agreement and the migration negotiations in 2001 (that ended abruptly and almost immediately after the events of September 11). The third part reviews the main responses and positions adopted in a post-9/11 era, up to the Calderon government (2006-2012). The chapter concludes with some considerations regarding ways encourage Mexico and the USA to explore novel and innovative approaches to deal with and manage this phenomenon.

From a Long Period of Agreements to a Complete Absence of Regulations

The Bracero Era

Mexican migration to the USA has undergone significant changes since the early 1940s, the time period where contemporary migration policies between the two countries originate.⁷ In 1942, the importation of Mexican contract laborers to the USA began as a way to supply needed labor to US agriculture; “native” workers were in short supply due to the USA’s involvement in the Second World War. To manage those labor flows, bilateral agreements known as the “Bracero programs” were repeatedly negotiated and extended until 1964.⁸ Those programs had the characteristic features of temporary workers programs; indeed, the flows were fundamentally circulatory in nature, as determined by the needs of US agriculture, and seasonal.

⁵Neither the responses vis-à-vis immigration into Mexico nor the responses vis-à-vis the increasing phenomenon of migrants in transit through the country are discussed in this chapter.

⁶Since the 1970s, a relatively small program of temporary migrant workers from Mexico to Canada has been in effect. In 2007, some 15,000 migrants participated in it.

⁷Mexican migration to the USA has been an almost continuous phenomenon since the 1840s, when Mexico’s Northern Territories became the US Southwest.

⁸The Ministry of Foreign Relations (Secretaría de Relaciones Exteriores: SRE) was the main Mexican negotiating agency in crafting these agreements, which might explain its leading role in the most recent policy responses regarding Mexico–USA migration.

During the Bracero programs, the Mexican government's policy was one of cooperative response to US labor requirements, although tempered by concerns about the migrants' working conditions and the protection of their rights.⁹ In the early years of the program, the Mexican government did not favor the emigration of Mexican workers considered essential to Mexico's incipient industrialization drive. At the same time, the Mexican government was well aware of the sizeable wage differentials between the labor markets in the two countries. Thus, the Mexican government decided that it was appropriate to cooperate with the USA, and it sought the extension of the program because "there was no satisfactory way of preventing [Mexican] laborers from entering the United States; for if they could not go by legal means, they would go clandestinely in search of better wages" (McCain 1970, 11–12).

Thus, the programs were renegotiated and extended several times. One might conclude that the Bracero program brought mixed results from the perspective of the Mexican government. The extension of the programs several times can be credited as a successful outcome; less successful, however, was the implementation of the obligations attached to the programs regarding the employers' obligations toward the migrants. However, overall, the responses can be considered more successful than disappointing.

The "Laissez Faire" Attitude

The termination of the Bracero programs in 1964 did not terminate Mexico–USA migration, given that Mexican migrant workers had already become an institutionalized feature of the west and southwest US agriculture as well as of Mexico's rural central-northern regions. Thus, after a short hiatus of a couple of years immediately after the last Bracero program, migration flows resumed almost completely outside any legal instrument, bilateral or otherwise, as "undocumented movements."

Confronted with the prospect of the termination of these programs, the Mexican government devised an economic response to accommodate those would-be migrants by establishing a program in 1965 to develop the northern border region. The Border Industrialization Program was intended to provide employment to the returning migrants and to prevent the emigration of would-be migrants.¹⁰ At its inception, the "maquiladora" industry, as the program was also known, absorbed individuals mostly from local populations. However, this industry became an important factor in the transformation of border towns into dynamic urban and industrial

⁹Mexican labor legislation required that transportation, housing, and other facilities be provided to the migrant workers.

¹⁰The Border Industrialization Program consisted of the establishment of in-bond plants to assemble imported components from the USA to then be exported back to the USA as integrated products.

cities. As an indirect migratory response, the maquiladora industry can, in my view, be considered a rather successful one.¹¹

Once the Mexican government realized that there were no realistic prospects of further extending the Bracero programs, it changed course, abandoning efforts towards its renewal and gradually retreating into a “hands off” approach vis-à-vis Mexico–USA migration. This attitude has been characterized as “a policy of no policy” (García y Griego 1988). This attitude was matched on the US side by a similar posture, one described as “benign neglect” or of “permissiveness,” and the border became an openly revolving door. The combination of these responses by Mexico and the USA produced a sort of tacit understanding between the two countries that was, in my view, rather functional. The migratory situation was characterized by a low degree of government intervention to permit the satisfaction of the economic interests of the main actors involved—namely, employers and migrant workers, each with its own distinctive logic. Thus, for approximately 20 years (since the late 1960s to the middle 1980s), Mexican migration to the USA developed relatively freely. It was characterized by a temporary and circular movement of workers, which was generally seen by most observers as a satisfactory status quo (Rico 2002; Massey et al. 2002).

To keep the US labor market open to the Mexican labor force was a rather functional Mexican response, considering that labor force entrants into the Mexican labor markets were on the rise—mostly the product of rapidly population growth. The response of “a policy of no policy” was also grounded on the premise that migration flows were out of the control of governments due to the context of strong demand and supply forces as well as of wage and development differentials. Such a context made it almost fruitless to try to control, stop, or influence these migration flows. From this perspective, the Mexican response (and the US one) can be considered rather successful. Of course, a price was paid by this “hands off” approach. First, migrants were left alone to fend for themselves, almost completely neglected. In addition, as perhaps a not-so-welcome legacy of this low involvement approach, a reticence to try to influence these flows took hold of Mexican polity and society.

The “Migration Dialogue” for Its Own Sake

By the middle 1980s, Mexico’s migratory responses had to change. The enactment of the Immigration Reform and Control Act (IRCA) in 1986 marked the culmination of a prolonged US attempt to influence undocumented Mexican migration.¹²

¹¹ The role of this program regarding the dynamics of Mexican migration to the USA is a matter of debate. Some authors contend that this industry acted as a pulling force of migrants to the border as a first step in their final journey toward the USA.

¹² IRCA was adopted after years of public discussions, congressional debates, and several failed attempts—in 1981, 1982, 1983, and 1985—to pass similar legislations. The migration issue was

IRCA was the first of a series of measures and policies to control this migration.¹³ IRCA contained two major strategies for the purpose of interrupting undocumented migratory flows. On the one hand, it required that all employers ask the appropriate documentation from all potential employees, with fines imposed on firms that knowingly hired workers without proper documentation. On the other, it mandated that border surveillance be significantly enhanced, with major increases in resources and policing personnel along the border.

IRCA, however, was not consistently enforced. Moreover, and quite importantly, little was done to effectively check the demand side of the migration equation. Revealingly, in order to avoid destabilizing firms and economic sectors traditionally dependent on cheap and reliable labor, IRCA established several avenues for the regularization of large numbers of farm workers (and other undocumented residents in the USA) who met certain requirements. Of course, non-authorized Mexican migrants greatly benefited from these measures.¹⁴

As a result of the new US policy, the Mexican government was forced to adjust its migration positions and attitudes. The previous Mexican attitude of “distancing” itself from the USA, although functional, was no longer tenable. Thus, Mexico reacted to the challenges posed by this new attitude of the USA by opening itself to dialogue on migration issues.¹⁵ This dialogue had two main purposes: a bilateral treatment of migration issues (it could not be unilateral for a number of strategic reasons) and the defense of migrants’ rights (Gómez Arnau 1990).

Mexico achieved some important rewards for its attempts to engage the USA constructively. The results materialized mostly at the day-to-day administration of deportable migrants at the local level; at the national level, it was not as successful. Mechanisms and consultations were put in place to handle different migration matters at the border (Mohar and Alcaraz 2000). These local agreements significantly advanced the stated Mexican objective of achieving basic protection for its migrants, irrespective of their legal status.¹⁶ Fortunes were less auspicious regarding attempts to engage the USA to bilaterally manage migration. However, this “dialogue approach” might have been instrumental in laying the groundwork by establishing contacts and confidence and by changing some traditionally antagonistic perceptions in both countries, thereby making it possible for the inception of talks that eventually led to the “negotiating” attitudes of early 2001.

seen in the USA as a response to “the loss of border control,” particularly along its southern border.

¹³ US policies toward undocumented flows have not been exclusively designed to modify Mexican flows, but since Mexican workers compose the majority among participants in these flows, they are the most directly affected.

¹⁴ As a result of IRCA, approximately 2.8 million people regularized their situation in the USA; about 2.1 million were Mexican nationals.

¹⁵ The Mexican response has been seen as a good example of the model developed by the Mexico–US Binational Study on Migration (Weintraub 1998).

¹⁶ In the 1980s, Mexico was a leader in advocating and drafting international rules to protect basic human rights for all migrant workers. The UN adopted these rules in 1990 during the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

From Trade (an Indirect Response to Migration) to Direct Dialogue

The North American Free Trade Agreement (NAFTA), which came into force in 1994, marked a watershed in economic policy and foreign relations within the North American region (Canada, the USA, and Mexico). NAFTA was foremost a commercial and investment matter. However, it was also envisaged, particularly by the governments of the USA and Mexico, as a response to attempt to “deactivate” migration from Mexico to the USA.¹⁷ The idea was not new in the bilateral context.¹⁸ This indirect response to migration relied on the expectations that the free movement of goods and capital would attract foreign and domestic investments into Mexico. Increased investments, in turn, would create sizable numbers of jobs and would push wages higher, thus reducing migratory pressures. In other words, trade would replace migration, as the NAFTA economies converged.¹⁹

NAFTA offered Mexico solid credibility to its often-stated position that the government does not encourage the emigration of Mexican workers.²⁰ Moreover, this trade-for-migration approach was shared bilaterally. NAFTA can therefore be considered a very successful response to Mexico–USA migration. However, this bilateral approach was not able to defuse the US “prevention through dissuasion” policy that began precisely in 1993–1994, which led to the continuous building of walls and policing at the USA–Mexico border (Andreas 2006). Nor did it prevent the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996, which set the stage for the contemporary US policy of mass deportation.²¹

Furthermore, NAFTA has not been able to create enough jobs to eliminate the need for migration to the USA.²² Migratory trends continued to increase during the

¹⁷ Expectations of lesser migratory pressures, as a result of trade liberalization, played a key role in the acceptance of NAFTA, particularly among the US political class (Alba 1993a).

¹⁸ Commission for the Study of International Migration and Cooperative Economic Development (1990).

¹⁹ The migratory approach behind NAFTA was linked to the “international consensus” regarding the inter-relationships between free trade, economic development and international migration. See Meissner et al. (1993). On the “migration hump” concept, see Martin (1993).

²⁰ “We want to export goods, not people” is a sentence attributed to President López Portillo (1976–1982); later on, it was reiterated by President Salinas (1988–1994), one of the main architects of NAFTA.

²¹ IIRIRA was a main element in the legislative strategy designed to create more difficult conditions for unauthorized immigrants. Other legislative pieces that came into effect in 1996, permeated by the same restrictive attitude regarding immigration, were the Anti-terrorism and Death Penalty Act and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, a law that reformed social welfare policy).

²² Even before NAFTA’s enactment, skepticism abounded regarding the realization of the assumed migratory outcomes of trade liberalization. Various econometric exercises showed the difficulty to significantly change the established migratory trends, at least within a meaningful time horizon, given the considerable economic asymmetries between the two countries, the entrenched labor

15 years after the passage of NAFTA (except during the recent recession). Estimates for the period 1995–1999 add up to a yearly emigration of between 325,000 and 360,000 Mexicans. Estimates for the period from 2000 to 2005 set net emigration as high as 500,000 emigrants. In fact, migratory intensity has continued to rise; it went from 3.4 international migrants per hundred inhabitants during the first half of the 1990s to 3.6 during second half (Alba 2000).

NAFTA has not been a successful policy in reaching any meaningful economic convergence between the North American countries; economic trends have actually moved in the opposite direction (Alba 2008). One could argue that trade liberalization has been insufficient to significantly modify the factors shaping the migratory patterns of Mexico–USA migration. To be sure, other factors, more fundamental or structural, are the main determinates of the observed migration trends: on the US side, the combination of high economic growth and a continued demand for workers and, on the Mexican side, the combination of recurrent crises, meager or unstable economic growth, low demand for workers, and an abundant supply of labor. In any event, Mexico has had its inconsistencies in migration management, just as US migration management has been quite contradictory in the context of increasing regional economic integration (Massey et al. 2002).

Thus it seemed that a long and difficult road was ahead regarding the management of Mexico–USA migration (Alba 1999). Given the continuation of emigration, Mexico focused again on protecting its migrants, reinforcing the traditional consular activities in the USA. This “consular response” has a long tradition in Mexico, and it has been seen as a rather effective and successful policy. The attempts of the Zedillo government (1994–2000) to establish a migratory dialogue with the USA were also primarily designed to minimize the damage caused by the hardening of actions creating increasingly adverse conditions for border crossings.²³ The legal reforms in 1996 that allowed Mexicans to have double nationality (“the non-renounceability of Mexican nationality”) had a similar purpose: to make it easier for Mexicans living abroad—mostly in the USA—to enjoy a legal status that would enable them to defend their rights more effectively.

From the perspective that migration was here to stay, other more long-term responses emerged and consolidated through the 1990s and the early 2000s, with the major aim of harnessing migration for development purposes. These responses mostly involve two main policy domains: the productive use of remittances and the search for a deeper engagement of Mexican communities abroad in the processes of development of their own places of origin.

Regarding remittances, several programs have been implemented to improve social and economic conditions in the communities of origin of the migrants. The 1986 “Mecanismo 1 × 1,” which originated in Zacatecas, became the “Programa

market interlinkages, and the numerous social and entrepreneurial networks that had been consolidated over more than half a century of migration (Hinojosa-Ojeda and Robinson 1992; Alba 1993a, b; Garcia y Griego 1993).

²³The dissuasion policy, which intended to prevent border crossing, was blamed for an increasing a wave of deaths along the border (Cornelius 2001).

2 × 1” in 1992 with the contribution of the Federal government into the program. In 1999, it was transformed into “Programa 3 × 1” with the participation of the municipalities.²⁴ This program depends from the Ministry of Social Development (Secretaría de Desarrollo Social). The budget allocated to fund this program—to match the remittances committed by the migrants—has increased over time, although not spectacularly; funded projects have concentrated mainly on road improvements, water, sanitation, and electricity infrastructure, and “community centers.” The developmental impact, locally and regionally, of most infrastructure projects does not seem to have been highly significant (see García Zamora 2006).

Regarding the relations of Mexico with its diaspora communities, the objectives of the program for Mexican communities abroad (“Programa para las Comunidades Mexicanas en el Exterior” 1990) included helping those communities to keep alive their cultural links with their localities of origin, and encouraging their investments in those same localities. This program was transformed (2003) into the “Instituto de los Mexicanos en el Exterior” whose objectives have extended to the support of initiatives designed to improve living conditions of Mexican migrants abroad by supporting integration into their localities of destination. Although quite important in relative terms, diaspora relations cannot claim significant results regarding major productive or developmental changes in Mexico.²⁵

While NAFTA did not prevent “the walling of the common border,” did not result in “scaling down” emigration, and did not bring about regional economic convergence, it did engage the USA in envisioning a NAFTA-Plus entity, where migration to the USA from Mexico had a place²⁶; “the spirit of NAFTA” can be credited with the opening of opportunities to think about the possibility of a “NAFTA-plus” agreement that would expand the labor mobility dimension within North America,²⁷ or at least between Mexico and the USA. The spirit of NAFTA opened up spaces to “rationalize” the migration of Mexican workers to the USA.

Confronted with the continuity of Mexican migration increasingly internalized by specific US labor markets and the active integration of several productive processes, the Mexican and US governments moved to craft an accommodating response to those tendencies.

²⁴ Program name and other changes are related to the essence of the various approaches taken by the State, Federation, and Municipality regarding relative financial contributions.

²⁵ The OECD has championed a migration to development approach to improve the conditions of the countries of origin of migrants. See, *Policy Coherence for Development. Migration and Developing Countries*, OECD Development Center, 2007.

²⁶ Once Vicente Fox was elected president in 2000, he declared himself in favor of an “open border” policy between the three NAFTA signatory countries. One major aim behind this move was to reach an agreement that would liberalize the flows of Mexican workers, particularly towards the USA. The initial reactions of the Canadian and US governments were unenthusiastic, if not overtly antagonistic, to this initiative. However, the proposal opened up avenues to reconsider the migratory issue between Mexico and the USA.

²⁷ Chapter XVI of NAFTA was meant to liberalize the mobility of technical and administrative personnel, reflecting a view of the complementarities between the liberalization of the markets for goods, capital, technology, and labor.

In February 2001, the Fox and Bush governments initiated a bilateral dialogue and negotiation on migration issues (Davidow 2004).²⁸ Apparently, the two governments were prepared to “achieve short- and long-term agreements that would be able to handle migration constructively...” concluding with an “orderly system of migratory flows”.²⁹ This initiative acknowledged the economic and social realities underlying Mexico–USA migration, specifically that the US economy demands many Mexican migrant workers, whose economic and social contribution must be acknowledged (New York Times 2001).

These migration discussions and negotiations, coming nearly 40 years after the termination of the Bracero programs, changed Mexico’s migratory agenda. They forced the Mexican government to translate its major general principles and objectives—respect for migrants’ rights and a safe crossing into the USA of its workers—into specific proposals that, eventually, constituted the main points that Mexico brought to the negotiating table.³⁰ The migratory objectives became more extended and specific. The agenda consisted of five major points: (1) regularizing Mexicans living in the USA without appropriate permits or documents; (2) establishing a temporary worker program that would incorporate a significant number of Mexicans; (3) granting new immigration visas for Mexican citizens; (4) creating safe and orderly conditions along the common USA–Mexico border; and (5) cooperating for the economic development of the main migrant sending regions.³¹

In terms of the changing fortunes of Mexican migration responses, this episode turned out to be relatively short-lived and did not run its full course. The bilateral dialogue and negotiations stopped abruptly due to the events of September 11, 2001. The process of the migration dialogue and the negotiations cannot be blamed for the failure of this response; it was an external event that made everything to collapse.³²

The events of 9/11 brought about a radical change in the scenery; the new situation looked like a “new act”. However, there were important positive legacies of the early 2001 bilateral migration rapprochement. The visibility that the migration phenomenon acquired in Mexico’s political sphere was a plus, and Mexican society saw

²⁸Davidow, the US ambassador to Mexico at the time, holds that it was a “negotiation that was not a negotiation as such.” See Davidow (2004), particularly “The Negotiation That Wasn’t” (pp. 217–232).

²⁹*Partnership for Prosperity. The Guanajuato Proposal*, February 16, 2001.

³⁰On the importance of this change, from the defense of abstract principles to the search of specific goals, see Alba (2003).

³¹The issues in the negotiations reflected main components of a proposal by the U.S.-Mexico Migration Panel 2001, *Mexico-U.S. Migration: A Shared Responsibility*, Washington, D.C., Carnegie Endowment for International Peace/Instituto Tecnológico Autónomo de México, 2001. This panel was specifically designed to offer the two new administrations—Fox’s and Bush’s—a series of guidelines for a bilateral policy on the matter.

³²It is a matter of speculation what might have happened had the 9/11 events not occurred. Certainly, arriving at any agreement was still a long way ahead. The US Congress was barely involved in the various points of the agenda discussed by the executive branches.

a reappraisal of migrants themselves and of the Mexican and Mexican–American communities in the USA. Moreover, the fact that the USA willingly sat at the negotiating table was not a minor achievement, as well as the US acknowledgment of the productive role of Mexican migration in its economy. Finally, the fact that Mexico moved from the realm of general principles to the realm of the definition of specific objectives vis-à-vis Mexico–USA migration was also a step forward.

Shared Responsibility and Security Cooperation

The Emerging Context: National Security Priorities and Border Controls

The terrorist attacks on September 11, 2001 led to a major reformulation of security issues and facilitated the links between migration, the fight against terrorism, and border controls (Givens et al. 2009). After 9/11, there was an acute sensitivity to any commitment that appeared to impinge upon national sovereignty. The new priorities for the USA around national security, the anti-terrorist struggle, and border control made public support of any accommodation of migratory flows extremely difficult.

President Bush’s Migration Reform proposal, announced on January 7, 2004, can be regarded as a new US framework to deal with the migration issue. That proposal made no mention of a special relationship with Mexico or of the reality of economic integration in North America. Security considerations dominated the proposal in its design of immigration policy, although it also included wide-open programs of temporary workers to satisfy the labor demands of the US economy. However, the proposal clearly outlined the new US priorities: security considerations first; economic considerations next.

The migration issue, already highly complex, became even more so after September 11. Anti-immigrant (and, at times, specifically anti-Mexican and anti-Latino) actors and agents raised their voices and their stakes in the migration debate.³³ The protracted discussions in the media and the various initiatives presented before the US Congress regarding migration reform did not produce satisfactory outcomes for either side of the political spectrum (see Leal 2009). If any side has gained, the “enforcement only” or the “enforcement first” camp has advanced its positions to the detriment of the “comprehensive immigration reform” camp.

³³The anti-immigrant (anti-Mexican and anti-Latino) offensive undoubtedly found support in some of Samuel Huntington’s works: specifically in “The Hispanic Challenge,” *Foreign Policy*, 2004, March/April, pp. 30–45; and more generically in *The Clash of Civilizations and the Remaking of the World Order*, Touchstone, 1996.

The Principle of “Shared Responsibility” and the Salience of Security Cooperation

In Mexico, the complex links between migration, trade flows, integration of production processes, border control, and national security gave rise to ample discussions regarding the appropriate national responses and policies involving Mexican migration to the USA in the post-9/11 environment. In 2005, this effort resulted in the crafting of a document entitled *Mexico and the Migration Phenomenon*, among other initiatives.³⁴ The new sets of responses advocated in that document were spelled out in a rather explicit manner.

The key concept in the document is that of “shared responsibility,” indicating Mexican willingness to do its part regarding various aspects of Mexico–USA migration. Second, the document underlines that managing migration should be bilateral in nature; this position implicitly carries the demand that the USA acknowledge the migrants’ contribution to its economy and society. This is in line with Mexico’s long-held position regarding the management of Mexican migration flows to the USA.

With the purpose of making the migration phenomenon a legal, orderly, and secure process, important guiding principles, recommendations, and commitments are set forth to diminish undocumented flows, to enhance border and regional security,³⁵ and to fight human smuggling and trafficking.

The document also clearly spelled out the responsibility that Mexico takes in improving economic and social opportunities in the country. This will help people remain in Mexico and facilitate the successful reincorporation of returning migrants into their home communities. Mexico’s Congress endorsed this document in February 2006³⁶ and Mexico’s government publicized key parts in major US newspapers in March 2006³⁷ when important initiatives on migration reform were being debated in the US Congress.

However, the Calderon government did not continue this strategy, instead it followed a rather different course. It adopted a low-key strategy and an indirect approach with regard to the migration issue. The administration read correctly that the bilateral context changed dramatically after 9/11, and therefore changed course in this respect from the previous Fox administration, retreating from making the

³⁴ *Mexico and the Migration Phenomenon* was presented to the public opinion in October 2005. This document was the product of a working group of government officials, lawmakers, and migration experts (members of academia and representatives of civic organizations).

³⁵ In this context, and to facilitate their coming out of the shadows, the Mexican government undertook an active promotion (particularly in the USA) of the “matrícula consular,” an ID card that would better protect migrants. Nearly one million “matrículas” were issued in 2003.

³⁶ “Concurrent Resolution” adopted on February 16th, 2006 by both, Mexico’s Senate and Chamber of Deputies.

³⁷ *A Message from Mexico about Migration* was published in *The New York Times*, *The Washington Post*, and *The Chicago Tribune*, among other newspapers.

migration issue a keystone of the bilateral relationship.³⁸ Instead, the Calderon government retreated into a safe “consensual position,” which finds the answer to mass emigration in national economic development and employment creation.³⁹ Thus, early on it initiated a program to facilitate the “formal” hiring of workers (with health and social protection, like retirement entitlements).⁴⁰ However, on the development policy front it is business as usual; namely, the approach is confined to promoting sound conditions to incentivize and encourage domestic and foreign private investment. This approach has not changed even after the profound 2008 economic recession, and so far, there has not been any significant response to the adverse political and economic context that Mexican migration to the USA has been experiencing.

The Calderón administration has probably been more affirmatively responsive than the previous administration to the security concerns of Mexico (and of the USA). The priority of national security matters, the rule of the law, and the fight against drug trafficking and organized crime is part of Mexico’s Northern and Southern border policies that aim to transform both borders into secure and orderly areas. This does indirectly affect migration from Mexico to the USA and transit migration into Mexico.⁴¹

In 2005, a decisive shift took place in what may be considered the main approach to North American integration when the Security and Prosperity Partnership of North America (SPP) de facto replaced NAFTA as the “umbrella institution” to approach integration and governance issues in North America.⁴² It is under SPP that the Calderón and Bush administrations signed in 2007 the Merida Plan to combat all “unlawful flows” in the region (including Central America). Thus, migration management issues are becoming an important component within this consolidating institutional framework on regional security. However, the objective of legal, orderly, and safe migration continues to remain elusive.

³⁸The Calderón government initiated a “desmigratización” of Mexico–USA relations (namely, not to center the bilateral relation on the migration issue). The term was not well understood, and perhaps not the most politically correct one; thus, it was dropped completely from public discourse. However, the new orientation is essentially correct, in my view.

³⁹There were expectations that the administration might pursue more “pro-active labor or employment policies” that could, eventually and indirectly, deactivate emigration. President Calderón, when running as candidate, pledged to become the President of employment creation.

⁴⁰“The First Employment Program” was intended to facilitate job creation and the hiring of workers by covering the employers’ part of the social security contributions during a specified period of time. As of 2009, the program has not proved significant in creating additional formal employment (“Juzgan planes para impulsar primer empleo,” *Reforma*, Oct. 17, 2011; “Un fracaso el programa de primer empleo, considera la Coparmex,” *La Jornada*, January 13, 2008). In any event, the program did not make any specific reference to the migration phenomenon.

⁴¹Over the years, Mexico has made several attempts to improve the professionalization of migration personnel and to modernize its main migration agency.

⁴²In early 2002, Mexico and the USA signed a Smart Border Agreement.

The Way Forward: Toward New Policy Orientations?

The emerging “Era of Restriction” poses multiple challenges to the crafting of appropriate responses to Mexico–USA migration, both for the Mexican side and the US side. The challenges are not minor, as can be deduced from the fact that both countries are struggling to find appropriate responses. The differences between the “principled document” produced in 2005 and the Calderón government’s “low-key approach” clearly indicates that Mexico has not found a “state” response to deal with this migration. The unresolved debate on immigration reform in the USA suggests that the situation is no different north of the border.⁴³

The scenario for a continuation of the “secular trends” of Mexican migration to the USA is uncertain in the short to medium term. Confronted by an uncertain migration scenario—an unfavorable, adverse, and restrictive context appears to be the most realistic scenario—Mexico faces very difficult decision ahead. In my view, Mexico must move toward “a new generation of responses” that would complement rather than substitute for the previous ones.

Two orientations should guide future Mexican responses to migration—the first should be geared to respond to the migration phenomenon as such, the second to respond to the migrants themselves. On the one hand, Mexico must look at its development policies through the migration lens with the purpose of “deactivating mass emigration.” On the other, Mexico has to support its migrants and would-be migrants more actively. These orientations may look contradictory, but they are not. Elsewhere I have labeled these orientations a “migratization” of public policies (see Alba 2009).⁴⁴

There should be a political decision, at the highest level, to improve domestic economic and social opportunities and working conditions to encourage people to stay in Mexico. I do not believe that the passage of Mexico’s demographic wave through the working ages will end up deactivating emigration pressures. The Mexican government must consider the forces of “migration deactivation purposes” on its economic and social public policies. The country needs, once and for all, to accelerate the pace of economic development and to reduce its regional economic and social gaps. Since internal and international economic and social processes of convergence require long periods for their maturation and achievement, it is also essential to devise long-term economic and social policies that congruently incorporate the goal of emigration deactivation. Mexico has to seriously consider the desirability and convenience of implementing significant employment programs (of the type of “active labor policies”). Social policies have also a very important role to play, although a limited one. As a noted social scientist wrote, “a

⁴³ Although, de facto, a “restrictive response” has been taking shape and hold since 9/11.

⁴⁴ The process of factoring in “migration deactivation purposes” on the design of economic and social public policies (see Alba 2009).

successful social policy program can impact migration, provided jobs are created” (Escobar 2008, 188).

Within this general policy development framework, there is ample room to further institutionalize and strengthen the developmental implications and potential of the various migration programs designed to promote development, such as those that channel remittances to productive and social projects and those that are directed toward the return, or “circulation” of its highly skilled migrants.

To respond to the migrants and would-be migrants, seeking the regularization of those non-authorized that reside abroad should continue to be a Mexican priority. In uncertain and adverse scenarios, Mexico has to move into the novel responsibility of active engagement in the “preparation” of those wishing to emigrate and in a more intense “exploitation” of all available legal and administrative dispositions—in Mexico and the USA—to make this movement a secure, orderly, and successful one, for example, to encourage labor procurement enterprises.

On the US side, extra political effort needs to be made to accommodate the economic, social, and geostrategic realities of sharing a long border. There is a long shared history of mutually beneficial USA–Mexico relations. Perhaps the moment is not the most auspicious one for great bargains and ambitious visions,⁴⁵ but today’s interdependent, globalized world requires pragmatic and accommodating migration responses—be it in the form of some kind of “earned regularization” or through some type of temporary migration programs.

A fair amount of rethinking will be needed to address the contradictions of migration policies heavily driven by restrictive considerations in increasingly interlocked economic and social contexts. The challenge will be to constructively manage the enduring nature of the economic, social, information, and communications forces at work even while looking at the entire process through the security lens. Arguing in favor of a thoughtful revision of these issues is the realization that tightened immigration enforcement is not likely to change the economic and social realities that build migration pressures.

The current dilemmas facing Mexico and the USA with regard to migration are the same old ones. One of these dilemmas refers to the challenges for the two countries to devise avenues for orderly movement—whether temporarily or permanently—of Mexicans willing to enter the USA. Another refers to the strategies for both countries to engage forcefully and cooperatively to achieve a real “partnership for prosperity” within a framework of a multifaceted, and never-ending, process of integration.

⁴⁵The Calderón administration seemed to be aware that US policy was unlikely to change, even more so given the recession and high unemployment in the USA.

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Chapter 4

The Wayward Path Toward Convergence in European Immigration Policy

Alexander Caviedes

Abstract This chapter surveys the progression of immigration policies in Europe, arguing that recent global economic developments have accelerated convergence. After a discussion of pre-World War II immigration that illustrates substantial differences in national policies, the chapter demonstrates how the postwar period has witnessed greater economic convergence between European countries, which has led to an increasing conjunction of immigration strategies among countries. While Western Europe's common peace and economic prosperity have proven attractive for migrants from less developed and stable countries, a series of institutions have also been instrumental in generating parallel policies. The UN Convention on Refugees mandates common standards that have provided opportunities for asylum seekers across Europe, while the European Union itself has produced common legislation in areas such as family reunion, high-skilled migration, asylum standards, and irregular migration. While national governments ultimately retain control over the migration of non-EU nationals, global economic trends, personified by such institutions as the EU or WTO, have ushered steadily increasing convergence over the last 30 years.

Unlike the case of the USA, it is more challenging to establish clear-cut trends and eras in immigration for Europe. Beyond the obvious point of Europe being composed of many countries with different legacies and logics of migration, rendering it difficult to distill one dominant tendency, Europe also differentiates itself importantly from the USA in that it has been a locus of both immigration and emigration. When focusing on American migration, the emphasis is always on the singular phenomenon of immigration, while Europe has experienced an almost unique transformation from being a *sending* region to becoming a predominantly *receiving* region of the world. Since Europe served as a point of origin for immigrants to the USA, European migration flows have also been somewhat reactive to US policy

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(Appleyard 2001) in a manner that is not true for the reverse situation. European policy has not triggered greater or lesser flows from the USA, while at times American policy has diverted migration flows from the developing world to Europe, leading some “old world” policy trends to shadow those of the new world.

US immigration policy has developed in quite a singular fashion. While one can easily characterize certain policies as being economically motivated—such as the recruitment of Asians during the expansion of the railroad, or the Bracero program of the 1940s through 1960s—during other periods one distinguishes the influence of more “political” considerations. For instance, scholars have noted the nativism that spawned the National Origins Act of 1924, which was intended to prevent immigration from Italy and Eastern Europe (Daniels 2002), while a more liberal, universalistic ethos underlay the 1965 Immigration and Nationality Act, which ran parallel to the awakening conscience of a nation challenged by the civil rights movement (Tichenor 2002). Since many of these types of motivations are quite national, and therefore unique, it is unlikely that one would be able to discern equally coherent patterns when looking at the European totality. Instead, when searching for common trends, the organizing principle must be something larger and more overarching, and here it is economic trends that offer the most compelling explanations.

Immigration is most commonly described and understood as possessing an economic logic. The concepts of “push” and “pull” generally employed to describe migration rest on neoclassical economic theories that seek to understand migrants’ individual cost–benefit calculations (Massey 1999). Indeed, studies have demonstrated that the most significant factor determining migration flows is the economic growth rate in the receiving country (Greenwood 1985, 527; Benhabib 1996; Karras and Chiswick 2000, 665), and national immigration policies often operate in tandem with and in reaction to such economic impulses. However, simply focusing on the short-term reactions to economic growth fluctuations, or even longer economic cycles (Meyers 2002), risks ignoring the impact of larger economic trends and transformations. It is upon this context that this chapter’s delineation of different eras and phases of European immigration policy rests.

While most European countries were sending nations, only a minority could also be considered destinations of migration at the beginning of the twentieth century. Those countries among the earliest to industrialize are also those that first welcomed larger inflows of immigrants, usually from less economically developed fellow European countries. While the First World War served to disrupt immigration in Europe in a similar fashion as it did in the USA, afterward, in the absence of restrictive immigration policy, the leading industrial countries of Europe reacquired their attraction for foreign workers. World War II led to another pause in immigration, although some migration was imposed through forced labor regimes or expulsions.

Although the first section of the chapter grants a brief consideration of the beginning of twentieth century, it is more useful to focus on the postwar period, where clearer patterns become evident. Tracing the arguments of scholars such as Messina (2007) and Bade (2000), the second section discusses the four distinctive waves of European immigration since the end of World War II. The first and fourth waves, characterized in large part by refugee migrations, still bear a political mark. However, the second wave (featuring guest workers) and the third wave (constituted

by these workers' families coming to join them) are economic in origin, and even the fourth wave itself has largely transformed into an economically motivated migration. The third section closes the historical discussion by providing a brief survey of the current European policy landscape and migration trends.

While it is possible to speak of periods of waxing and waning restriction, it is clear that especially in the postwar period, such policy choices are related to larger socioeconomic transformations that are commonly understood under the rubrics of globalization or deindustrialization. The goal of this piece is to clarify the role that such economic factors play in terms of both creating immigration pressures as well as conditioning the responses of European countries. Thus, the fourth and final section is devoted to describing the crystallization of these forces in the form of European economic integration (read, the European Union) as well as further international institutions that have been leading the countries of Europe on a path toward ever closer convergence.

European Migration in the Era of Industrialization

Immigration at the beginning of the twentieth century operated in tandem with, and as a result of, the rapid industrialization of countries like the UK, Germany, and France. As the manufacturing sectors in these countries began to develop, labor began to move toward the factories, thereby creating labor shortages in agriculture and mining in particular. It was into these branches that foreign labor first entered. In particular, large numbers of Poles and Italians found employment in both Germany and France, respectively. The response to the large influx of foreign workers was restriction, but not solely in the form as was practiced in the USA as a result of a similar influx from these same countries into the industrialized Northeast (Katznelson 1993). While there was some resort to exclusionist policy along the lines of the US National Origins Act of 1924,¹ what we also see in Europe were a series of laws that focused less exclusively on nationality, but rather had a central goal of regulating the entry of foreigners into the labor market and restricting the rights of those foreign workers (Castles and Miller 2009). British policy more closely resembled that of the USA, in that the UK instituted the Aliens Act of 1905, largely with the intention of screening out paupers or criminal elements (Garrard 1971), while the Aliens Restriction Act of 1914 added a requirement that naturalization applicants have an adequate knowledge of English, a condition that was supposedly rooted in Anti-Semitic sentiment (Holmes 1988). The Germans and the French, on the other hand, responded with legislation designed to protect the domestic workforce through the introduction of identity cards and work contracts for foreigners to ensure that employer-worker relations became more transparent, making it more difficult for employers to undercut the domestic labor force by hiring foreigners who were either unauthorized or receiving less pay or benefits than mandated (Bade 2000).

¹ Which set quotas that severely curtailed immigration from those countries from which the most recent migration waves hailed (Italy, Poland, and Eastern Europe).

A further point of differentiation between American and European immigration are the connections forged under colonial auspices. There was not a great deal of migration issuing from colonies back to Europe, with the exception of France, which saw considerable migration from its African colonies (Castles and Miller 2009). In a relative sense, this was especially true during the interwar period when immigration to Europe experienced a lull in comparison to the years preceding World War I.

The period up to the end of World War II was characterized by the institution of a first generation of European restrictions on immigration and immigrants. However, these were only salient concerns for the rapidly industrializing countries, resulting in a divergence in European policies, because only that minority of European countries which were attracting foreign labor were involved in this trend. This was to change after World War II, but even then, the transformation of the entire continent into a destination for migration was far from immediate.

Postwar Europe and Incremental Convergence

World War II's convergent impact upon European immigration reflects the common inhibition of migration, but the period afterward has seen a progressive convergence in policy that has been less a product of such large-scale disruption and rather more sensitive to the larger backdrop of economic transformation in the postwar period. Immediately following the war, most European countries experienced an influx of refugees and displaced persons, and given the nature of the atrocities committed during WWII, states were initially reluctant to set up stringent barriers, partly in anticipation that much of this immigration would be temporary. Though one might characterize this phase as being motivated by political and humanitarian concerns, it is important to note that in some countries—especially in rebuilding Germany, which was reintegrating East German refugees and other expellees from Eastern Europe—there were also grave labor shortages in the aftermath of having suffered tremendous manpower losses from the war.

The transition point between the first two phases of immigration is neatly represented by Britain's European Voluntary Worker (EVW) programs, which recruited workers from refugee camps (mainly Poles and Ukrainians) to work from 1946 to 1950. Though these workers were initially brought in because as white Europeans they were expected to be easier to integrate than many of the British Commonwealth subjects, their virulent anti-communist stances proved difficult to reconcile with the strong pro-trade union attitudes of their domestic coworkers (Miles and Kay 1994). After the cessation of this program, one sees social (read: racial) integration concerns being promoted before the economic, as the British ceased recruiting foreign workers and progressively began restricting the immigration path through a series of laws in the 1960s that were intended to decrease migration from the Commonwealths (Katznelson 1993).

Instead, it was Germany that assumed the mantle of being the central magnet for foreign labor through a series of treaties that brought foreign workers to Germany, initially from the Netherlands, but then also from Italy, Portugal, Spain, Greece,

Yugoslavia, and ultimately Turkey. Austria and Switzerland were pursuing similar strategies by the 1960s, as did the Netherlands soon afterward, although unlike the German-speaking nations, it could also count on immigration from its former colonies (Van Amersfoort 1982). France can also be likened to the Dutch in this regard, though their programs targeted citizens from their former African colonies. Guest worker programs were not only a response to the strong expansion of manufacturing during the golden sixties, but they can also be considered as one of the major contributors to the boom's depth and transformative power (Kindleberger 1967). The connection between economic growth and the large-scale relaxation of restriction is straight-forward, although the protracted period of recession and economic slowdown that began in the early 1970s did not herald a similarly correlated cessation of immigration.

The third phase of immigration is considered to have begun with the advent of the oil shocks and the termination of worker recruitment programs throughout Europe (France, Germany, Netherlands, Switzerland, Austria). However, it is characterized by a trend that was already manifesting itself during the latter 1960s. The failure of most countries' guest worker programs to rigorously impose rotation systems upon foreign workers (who were supposed to remain in the country for only a circumscribed time period) resulted in many workers staying indefinitely. Often, they sought to bring their families as well. Despite the termination of worker recruitment and the virtual closure of the labor market to the unskilled, the number of foreigners in Europe continued to rise as family reunion became the primary mode for entering Europe.

Table 4.1 indicates the percentage of foreign born in select European countries, demonstrating that immigration continued during this period.² Thus, we see how the

Table 4.1 The development of foreigners as percentage of total population

Year	Germany	UK	Austria	Netherlands
1960	1.2	n.a.	1.4 (1961)	1.0
1965	2.7	n.a.	1.7	n.a
1970	4.9	n.a.	2.5	2.0
1975	6.6	n.a.	3.7	2.6 (1971)
1980	7.2	n.a.	3.7	3.7 (1976)
1985	7.2	3.0	4.0	3.8
1990	8.2	3.3	5.9	4.6
1995	8.8	3.6	9.0	5.0
2000	8.9	3.8	9.1	4.2
2005	8.2	5.6	9.7	4.2
2010	8.3	7.4	11.1	4.6

Source: Statistisches Bundesamt (Germany); National Statistical Offices (UK); Statistik Austria; Bevölkerungsforschung (Austria); C.B.S. Standstatistik (Netherlands)

²The chart indicates the slow and steady growth of immigrants in the population, even after recruitment ended. The unchanging—and relatively low—percentages in the British case over most of the period is the product of not instituting guest worker programs, plus the fact that most British immigrants were not considered foreigners since they hailed from commonwealths and had British passports. The recent decline in the Dutch figures can be traced to a change in the definition of who is considered an immigrant.

attempt to restrict immigration along purely economic lines was insufficient due to the rise of family reunification and other liberal norms toward immigrants that facilitated their permanent residence in Europe.

The fourth phase of postwar immigration was triggered by the fall of the Iron Curtain and the unrest that ensued in Eastern Europe. The early 1990s unleashed an eastern-based migration of refugees reminiscent of the first phase of migration. This was most pronounced in Germany, which together with Austria not only became the prime destination for refugees, but also for ethnic Germans who sought to escape poverty and social marginalization throughout Russia and Eastern Europe (Skran 1992).

The magnitude of these flows soon laid bare the slim and rather artificial dividing line between the concepts of political and economic refugees. While the number of asylum applications filed in all of Europe was generally below 50,000 until the latter 1980s, this number spiked to over 400,000 in 1991 (Hatton and Williamson 2005). The response of some prominent European countries was to tighten up asylum policies and benefits, with Germany and the UK leading the way (Chapin 2000; Geddes 2000). Together with the economic growth and stabilization of the political situation in Eastern Europe, this convergence in asylum practices had the effect of leading to a rather sudden decline of applications filed after 1993, dipping to under 100,000 by 1996 (Hatton and Williamson 2005).

While current overall numbers again approach 400,000, much of this can be related to the increase in the number of countries that are now tabulated as constituting Europe (UNHCR 2014). The steady increases after the low of the mid-1990s can be traced to increased applications to Southern European countries, mostly from non-European applicants. With no foreseeable end in sight to the bleak economic prospects and political turmoil of Africa and the Middle East, it seems likely that in conjunction with the opening up of Western Europe to economic migration from the East, the overall expansive nature of migration during the fourth phase will persist.

Current Policy Trends

What the above-mentioned restrictions in response to increased asylum seeking failed to accomplish was staving off a resumption of foreign labor migration into Western Europe. Transformations of the labor markets in advanced industrial countries, attendant to deindustrialization, have generated labor shortages in many branches within the service sector, such as hospitality, construction, health care, and information technology (Caviedes 2010). Since this flow of temporary and permanent labor migrants hails in large part from Eastern Europe, it is generally subsumed under the fourth phase of immigration, but one must note the quick transformation from political push factors to clearly economic pull factors as prompting these migrations. Not every country has opened itself up to labor migration, but the advent of more flexible sector-specific policies has enabled more countries to begin. Whether in regard to the unskilled, who are recruited to work in agriculture,

hospitality, or food processing in countries such as Austria, France, Germany, Italy, Spain, and the UK (SOPEMI 2008), or the highly skilled who are courted through relaxed visa requirements by Austria, Belgium, the Czech Republic, France, Germany, the Netherlands, Switzerland, and the UK (OECD 2008), it is clear that a major component of countries' interpretation of "managed" migration involves responding to the particular pressures of sectoral labor markets.

For at least the first half of the postwar period, the differential levels of economic development within Europe ensured that immigration policy was mostly a concern for those countries attracting foreign labor. The economic development of Southern Europe, in comparison to its state during the second phase, has meant that erstwhile sending countries such as Italy and Spain prove increasingly attractive to labor migrants from Eastern Europe as well as from Africa, where precarious economic and security situations have pushed a new wave of immigrants toward Europe (Stalker 2002). This has meant that countries that never before conceptualized themselves as immigration destinations are encountering the challenges of controlling both the labor market and their external borders. One particular response on the part of Spain and Italy, to institute amnesty and legalization programs, has met with criticism from fellow EU members. Nations with more established immigration histories, such as France and Germany, warn that such policies will only provoke increased migration (Maas 2010). The narrowing differentials in economic development within European countries—in contrast to those regions that are sending migrants—has led to progressive convergence in policy and policy focus between both the new and old countries of immigration.

With the narrowing of the socioeconomic gap between the North and the South, and most recently, even somewhat between the West and the East, most Western European countries have begun to face similar challenges in trying to maintain control over borders and labor markets. Migration flows do not necessarily originate from the same regions, since, for example, migrants from Africa or the Middle East are still far more likely to be destined for Southern than Eastern Europe. However, the opportunities that attract such migrants and the type of sectors (agriculture, care-giving, cleaning services, or hospitality) where they can find work are quite similar, due to similarly low levels of regulation that lead to a higher incidence of part-time, short-term, or even irregular work (Castles and Miller 2009). Therefore it should not come as a surprise that the newly receiving countries are responding with similar policy mechanisms that increasingly resemble those already in place in established immigration countries.

One particular trend has been the recourse to bilateral agreements. Countries such as Switzerland, Germany, Italy and France—to name some of the most prominent—have rediscovered the policy tools used during the second phase of postwar migration, when foreign workers had been attracted by employers and host country governments through on-site recruitment in the sending countries. However, unlike those bilateral worker recruitment accords of the 1950s and 1960s, the agreements of today are designed not only to ensure that the recruited foreign workers are channeled into the economic sectors of the host country's choice, but also that the sending country assumes responsibility for their workers once the periods of short-term

labor are complete. In fact, in the accords between Italy and Romania, as well as between Spain and Morocco or Ecuador, the host countries also stipulate the mandatory readmission of irregular workers from those countries (OECD 2004). In recognition of the nexus between development and migration, European countries often enter into partnership agreements where there is a promise of financial and technical aid for developing countries in Africa in exchange for those countries' promise to make greater effort to control migration flows that issue from or transit through their countries. Examples of this would be Italy's agreements with Egypt and Libya, as well as that of France with Senegal (Panizzon 2009).

Yet, to suggest that this convergence in migration policy is solely a matter of common responses to economic trends risks discounting the reality that this harmonization of both intention and policy is orchestrated in large part by European and international institutions that can command the compliance of the various European countries. The following section explores the impact of such institutions, many of which are primarily economic in nature.

Institutions as Promoters of Policy Convergence

One can speak of this convergence in policy occurring against the larger backdrop of economic and civic transformations such as globalization, deindustrialization, development, and liberal norms. As amorphous as these concepts may sound, there are also concrete institutions—many of them in the form of international regimes—that place a formal face on these abstract ideas and which play a guiding role in the process. Two central regimes that have developed and left their imprint upon the postwar period are the UN regime for refugees and asylum and the European Union. Both merit greater discussion not only because of the rights they provide but also because of the types of counterresponses they have elicited among European countries.

International Refugee Regimes

Politically, the ability of states to control immigration has been challenged by the development of human rights that have made it more difficult to restrict access to refugees, as well as migrants who are already in the country but lack the authorization to remain or find work. The 1951 UN Convention Relating to the Status of Refugees was instrumental in establishing a nonpolitical standard by which parties to the convention were obliged to evaluate the status of individuals seeking asylum in their country. The convention was initially designed to address postwar European refugees, but the 1967 Protocol expanded its scope in terms of geography and claims (Skran 1992). This has meant that in terms of impact, the convention has assumed international relevance, rather than being predominantly European in focus and application. Nevertheless, there are still distinctly European obligations established through the European Convention on Human Rights, to which almost every European country has

bound itself. In particular, the French and British immigration authorities have found their ability to expel foreign nationals who can demonstrate strong ties to their host countries constrained by domestic courts that have referenced the guarantees of right to family and life enumerated within the ECHR (Joppke 2001; Hansen 2000).

While there has been a convergence in the obligations imposed externally and domestically (Hollifield 1992; Freeman 1998), these have also triggered a counter-reaction in the form of domestic legislation to reduce benefits for foreigners or asylum applicants (Geddes 2000). There has also been the attempt to share the burden of harboring asylum seekers through the Dublin Regulation whose signatory countries now insist that individuals apply in the country where they first enter the territory of the EU. Furthermore, failure to apply for asylum in the first “safe third country” through which an applicant has traveled can result in being sent back to that country in order to apply. This should be read as an attempt by those countries that most frequently serve as the final destination for asylum seekers (for example, the UK, Germany, and the Netherlands) to reduce their exposure, but the “third country” provision is also intended to legitimize sending asylees back to non-EU conduit states, provided that the EU labels them as “safe.” While these most popular sites for asylum claims often make the argument that these measures merely compensate for the failure of other countries to adequately control their borders, it is also the discrepancies between national policies that attract asylum seekers to those countries where they believe they can best win asylum or at least find work (either sanctioned or unauthorized) during the adjudication process. It is this recognition of the implications of differential adjudication standards and, even more importantly, benefits for those under adjudication, which has also been behind the push to establish a common EU asylum policy.

European Integration and Liberalization

The single greatest reduction in the capacity of European nation-states to retain a restrictive stance toward immigration has been European integration through the European Union (EU). This began with the 1957 Treaty of Rome establishing the European Economic Community (EEC), and subsequently deepened through the creation of European citizenship in the Maastricht Treaty that established the EEC’s successor, the EU. Citizens of the member states now enjoy the right to live and work in the other member states, unimpeded by the usual provisions that require migrants to first apply for residence and or employment (Hailbronner 2002; Geddes 2008). While this creation of an EU internal labor market is in and of itself impressive (the free movement of labor was first fully realized in 1968), this regime has only expanded, and the focus of EU migration regulation has passed largely beyond its internal borders and member states toward what are termed “third-country nationals,”³ or citizens of non-EU countries.

³http://europa.eu/about-eu/basic-information/index_en.htm

The individual member states of the European Union have been slow to embrace common rules on the immigration of non-EU nationals. However, it is clear that under today's conditions of global competition, European businesses may require individuals who reside in one member state—regardless of national origin—to be free to travel to and work in other member states. These needs have been addressed to a certain degree through EU legislation permitting long-term migrants (permanent residents) to move freely within the EU, even when this mobility is not related to employment.⁴ More elementally, building upon the 1985 Schengen Agreement, which was not an EU policy but an initiative among some of its members plus some nonmembers, it is now possible for non-EU nationals to travel on a single visa throughout most continental EU-15 states⁵ plus Iceland, Norway, and Switzerland, often without even being subject to border controls.

Despite the argument that there has been an extensive denationalization of migration control (Guiraudon 2001), the limits of national willingness to give up control over access to domestic labor markets is highlighted by the protracted path in producing any manner of EU legislation in the direction of a common labor migration policy toward third-country nationals. Initiatives hailing back as far as 2001 failed to capture the enthusiasm of sufficient numbers of member states (Caviedes 2004), so at this point the Blue Card Directive of 2009⁶ remains the only policy of note. The Blue Card, which allows highly skilled foreign nationals to circulate throughout the European Union following an 18-month probation period and then apply for permanent residence after 5 years, is modest in its scope. However, it is based upon a recognition of the heightened global competition for the “best and brightest” attendant to the privileging of services over manufacturing. Since it is only an option for those who already have a 1-year contract through one of the existing national schemes, it merely adds an additional entry track designed to make migration to Europe more attractive through the possibility of seeking employment throughout the EU. Given that EU Justice Commissioner Frattini fretted that the EU is being crowded out globally in the competition for skilled workers, 55 percent of which go to the USA, while only 5 percent have the EU as their destination (Charter 2007), it is unclear how much this rather tame policy will remedy this disparity.

A further international institution that presently impacts migration, and will surely only continue to do so more in the future, is the World Trade Organization's General Agreement on Trade and Services (GATS), which establishes an international labor migration regime for upper echelon positions within multinational corporations, allowing them to shuttle high-level management and technicians from

⁴Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:EN:PDF>

⁵The 15 countries constituting the EU before the 2004 enlargement that brought in much of former Eastern Europe.

⁶Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:155:0017:0029:en:PDF>

country to country. The obligations delineated extend outside the European scenario, but the European Union precedes the GATS in terms of providing for free movement of services, and more relevantly, service providers. Service providers may not always be equated with migrants, since their employment activity is often shorter and not regulated as part of national immigration regimes, but the former often function as equivalents of the latter. Of particular impact has been the fact that EU rules on services not only open the door to workers from EU member states, but rather, European Court of Justice decisions and EU legislation have increasingly extended the capacity of these rights to extend to third-country nationals under the employ of EU member state enterprises (Hatzopolous 2010). Concretely, this means that Latvian firms that are working on a project in Sweden can bring in solely their own workers, even if some of these are not EU citizens, who would otherwise need to pass through the formal migration process. In this regard, and somewhat surreptitiously, the expanding regime in services has certainly opened European labor markets further than some countries anticipated. It is a sign of things to come in a globalizing world where international free trade institutions facilitate the circumlocution of national regulations.

Already in the 1990s, a Dutch study found that about 60 percent of immigration was beyond government control, since roughly 30 percent of those immigrating were already citizens residing in former Dutch territories, 15 percent came from EU countries, and 10 percent entered via family reunification policies. Only the remaining 40 percent were viewed as truly subject to control since they were either asylum-seekers or attempting to access the labor market (Doomernik et al. 1997, 58). However, as argued in the previous section, states are hardly free to determine asylum policy given the high degree to which standards of evaluation are already established at the international level through treaties which are as heavily, if not more, indebted to academic and epistemic communities in their formulation as they are to the actual signatory countries. When one also factors in the numbers of Eastern Europeans now eligible to work in Western Europe, the above-mentioned study's figure of 15 percent hailing from other EU countries is surely too low as well. This would suggest that the percentage of inflows over which the Dutch truly have "discretion" is far below 40 percent, and this should be seen as indicative of the impact that international institutions have upon European countries in general.

Restriction under the Sign of Integration?

European integration has not only exacted a liberalizing influence upon migration, but in reaction to the greater liberty of mobility afforded, EU member states have also sought recourse in establishing a greater emphasis on border control and asylum harmonization in an effort to reduce their vulnerability vis-à-vis third country nationals present in the fellow member states (Givens and Luedtke 2004). The Schengen Agreement mentioned above is not merely an instrument of liberalization that removes internal border controls among signatories, but in recognition of the

exposure that signatories take on, the agreement also carries the requirement that states strengthen their external border controls through rigorous identity checks. This is coordinated by Frontex,⁷ an EU agency created in 2004 to provide greater coordination of external border patrols. Over time, the resources of Frontex have been expanded so that it now counts helicopters, airplanes, and ships among the resources at its disposal when coordinating and assisting joint missions among national coast guards and border police. It was designed to create a common higher standard of border control, particularly with reference to the Mediterranean countries that struggle to control the entry of undocumented migrants and asylum seekers. Frontex is not without its critics, as human rights organizations have warned that the agency's mandate is primarily to prevent migration, often at the cost of denying potential asylum applicants the opportunity to make their case in a safe country.⁸

A further area where the EU has been active is in creating a common standard for the deportation of unauthorized migrants, where it aims to send out a strong message of credible enforcement measures while at the same time discouraging member states from policies that are considered too harsh. The "Returns Directive" of 2008⁹ obliges states to extend voluntary return periods of 30 days to expellees before deporting them. In an effort to afford some protections to such migrants, this legislation also sets up a return fund in the amount of €676 million for the period 2008–2013 to fund legal aid, limits reentry bans to 5 years, and strongly discourages the detention of minors and families. However, provisions allowing for periods of detention up to 6 months (with extension to 18 months), as well as the right reserved for individual states to suspend the protections offered by the directive in emergency cases where exceptionally large numbers of third country nationals constitute unforeseen heavy burdens, have met with criticism from nongovernmental organizations such as the European Council on Refugees and Exiles, Statewatch, and Amnesty International. Whether one views the directive as impinging on states' ability to police those they want to expel, or as enabling them to retain certain strict policies that are now sanctioned by European consensus, it certainly provides further evidence of the convergent influence of the EU.

Though the *raison d'être* behind the EU is economic, and its immigration mission has been one of liberalization, there is no denying that much of its recent focus has been upon the area of borders and security. While Huysmans (2000) and others level the charge that the EU is "securitizing" the debate over immigration (see also Boswell 2009 and Hampshire 2009), it bears noting that the targets of such common

⁷The name derives from the French, *Frontières extérieures* (external borders), and is the common name for the actual: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Homepage at: <http://www.frontex.europa.eu/>

⁸See press release from the European Council on Refugees and Exiles, internet retrievable at: http://www.ecre.org/resources/Press_releases/1523

⁹Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>

European policy are essentially still economic migrants, unlike in the case of the USA, where border security has been linked as prominently to crime and terrorism as to economics. This may reflect that what is considered in need of protection in the European context is not simply physical security from violence, but the security and preservation of labor markets and extensive systems of welfare (Bommes and Geddes 2000). This of course reflects the strains under which the welfare state now operates in Europe and the actions of some countries that have deemed it necessary to limit the circle of recipients in order to keep the entire system of benefits fiscally sustainable. Whether one views the USA and Europe as equally beholden to security and criminal rationales when they craft immigration policy, or whether one believes that Europe remains primary fixation upon migration's economic dimension, what is beyond dispute is that any discussion of European immigration must be cognizant of the role of international institutions, and none more so than the economically motivated European Union.

Conclusions

This chapter argues that trends in both the liberalization and restriction of immigration policy in Europe have been dependent on economic trends. The accumulation of common international obligations and ever increasing economic interdependence has progressively eroded the ability and incentives for countries to remain on divergent individual paths. Globalization, deindustrialization, and converging development have had parallel impacts in terms of creating a greater sense of similar migration challenges, as well as postulating common solutions to the changing realities that European polities face.

While European thinking on immigration has also been impacted by the terrorist attacks of the last decade, a comparison of European to American policy responses would suggest the continuing primacy of an economic mindset for the former. Having had a more extensive familiarity and experience with terrorism, many European countries still view the task of combating terrorism as one that should rest primarily in the hands of domestic law enforcement. Even when dealing with other countries within a common EU framework, terrorism remains the province of domestic police forces rather than immigration officials. Conversely, in the USA, terrorism is viewed to a greater degree as an international issue, hence the closer linkage between the "war on terror" and immigration control (as manifested through the reorganization of the Immigration and Naturalization Service into three agencies under the Department of Homeland Security). This has meant that while the focus of both national and supranational European immigration initiatives has also been directed heavily toward border control, in the European context this trend remains to a larger degree a function of countries' concern with the economic and social integration of undocumented migrants than one of security.

As with any sweeping statement of this nature, the claim of the centrality of economic rationales behind immigration policy is prone to being disproved by cer-

tain individual examples or events such as the current refugee crisis. Yet, viewed over time, and especially in relation to those countries that have experienced the greatest amount of immigration, we see policies that were often initiated for economic motives, and which still bear the mark of these sensibilities. At times this has operated to the detriment of other considerations and has led to shortcomings in the social and political integration of those who migrated. However, the purpose of this examination of European migration is not to critique it in terms of effectiveness or equity, but rather to point out the manner in which immigration policy and migration trends have developed and continue to progress in concert with broader macroeconomic trends.

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Part II
Restrictions and Consequences in the
United States

Chapter 5

US Children with Parents in Deportation Proceedings

Randy Capps, Ajay Chaudry, Juan Manuel Pedroza, Rosa Maria Castañeda, Robert Santos, and Molly M. Scott

Abstract While policy makers and researchers generally focus on the effects of deportation on crime rates and deportees, the effects of parental deportation and detention on children are often overlooked. This chapter seeks to fill this gap, finding that parental arrest often leads to loss of earnings, dependence on public assistance and charity, and increased family hardship. In addition, the resulting separation results in significant trauma and stress for both children and parents. Using in-depth interviews conducted over 2 years, the authors were able to track children and parents during the immediate and longer-term aftermath of a workplace raid or other parental arrest. They found that detained migrant parents reported increased stress, anxiety, and mental health challenges, as well as increased physical health challenges. Parents also reported that a majority of children in the study exhibited important behavioral changes. It is clear that current US immigration policies have substantial consequences for families with children, which will require large-scale policy changes in order to ameliorate these effects on immigrant children, many of who are US citizens.

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Introduction

From 2009 through 2013, the USA conducted 2 million formal deportations, and another 1.8 million deportations without formal orders—the latter predominantly of people apprehended on the U.S. Mexico border (US Department of Homeland Security 2014). The large number of deportations—of both unauthorized immigrants and legal immigrants who have committed certain crimes—includes many parents.¹ An estimated 100,000 parents with US-born citizen children were deported between 1998 and 2008 (US Department of Homeland Security 2009), with another 205,000 parents deported between 2010 and 2012 (Wessler 2012). Both total deportations and deportations of parents, though, have been falling since 2012. Recent estimates place the unauthorized US population at between 11 and 12 million, and the population of US children with unauthorized parents at over 5 million (Passel and Cohn 2010). About 80 % of these children are believed to be US-born citizens. This significant number of children, mostly US citizens, is at risk for parental deportation under current US immigration enforcement practices.

These deportations have occurred against the backdrop of ongoing public debates and policy deliberations over reforming the US immigration system. The current system grants an inadequate number of legal immigration visas to meet family-reunification and labor-market demands while failing to significantly deter unauthorized migration. Significant efforts to overhaul the system—including providing a path to citizenship for 11 million or more unauthorized immigrants—failed three times in the US Congress in 2006, 2007 and 2013. Comprehensive immigration reform legislation has not advanced in the Congress since that time.

Absent a resolution to the complex issues surrounding US immigration policy, the federal government increased its emphasis on finding, arresting, and deporting unauthorized immigrants and legal permanent residents who have committed crimes—especially serious crimes. Immigration enforcement mostly takes place along the Southwestern border with Mexico, but it is also common occurrence across the interior USA. In the interior of the country, large numbers of immigrants have been deported following raids on workplaces, arrests at their homes, arrests during immigration appointments and court dates, operations made by federal agents and local police forces working together, and arrests of immigrants by the local police in routine policing operations. Recent, significant policy changes under the Obama administration, however, are reducing the pace of arrests and deportations.²

¹ These crimes include state and local misdemeanors such as traffic violations and drug possession, as well as immigration crimes such as illegal reentry into the USA.

² In June 2011 the Obama administration issued guidelines that ICE officers conducting arrests, detentions, and removals should focus on the most serious criminals and that ICE prosecutors should exercise discretion by granting relief from removal to people who are not serious criminals and have factors that prompt “care and consideration.” These factors include being pregnant or a mother nursing a baby but do not otherwise include being a parent. See John Morton, “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Memorandum for All Field Officers, All Special Agents in Charge, All Chief Counsel, June 17, 2011),

Arrest and deportation have profound consequences for parents and children, the consequences which are often overlooked during policy debates. To begin with, unauthorized families tend to be low income, and the parents usually work at low-wage jobs. Families that crossed the US border illegally or came in on visas and overstayed them may have been separated for long periods. Parental arrest generally leads to the loss of earnings and increased family economic hardship. Detention and deportation separate parents from each other and from their children for extended periods. Families sometimes split up permanently. Families also face uncertainty while awaiting the outcome of their immigration court cases—which often take months or years to adjudicate. And they may also suffer the stigma of arrest for immigration and related “crimes.” As a result, many parents and children suffer significant trauma and stress after immigration raids and other enforcement activities.

This chapter describes some of the consequences for parents and children in these circumstances. It begins with a summary of data collection methods of collecting and follows with findings in terms of family economic hardship, parental mental health, and child behavior. The chapter closes with a discussion of policy issues raised by the research and recommendations for US government action.

Methods

This paper documents changes in the well-being of families, parents, and children following parental arrest for immigration-related reasons. It is based on research conducted by the Urban Institute from 2007 through 2009 and published in two prior studies (Capps et al. 2007; Chaudry et al. 2010). Findings are drawn from a sample of 190 children in 85 families where parents were arrested in one of the following ways:

- A raid on a worksite, in which parents were arrested while at work;
- A raid on the home, in which children may have observed their parents being arrested;
- Arrest of a parent while at an immigration appointment or court date; or
- An arrest during a routine policing operation, such as a roadblock or traffic stop, that led to referral to immigration authorities for deportation.

<http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>. In 2014, as part of the Immigrant Accountability Executive Actions, the administration further narrowed the priorities for arrests, detentions, and removals to threats to national security, felons, individuals with significant or multiple misdemeanor convictions, and individuals entering the United States illegally or committing other civil immigration violations since January 2014. See Jeh Charles Johnson, “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants” (DHS: Memorandum for Thomas S. Winkowski, Acting Director, U.S. Immigration and Customs Enforcement; R. Gil Kerlikowske, Commissioner, U.S. Customs and Border Protection; Leon Rodriguez, Director, U.S. Citizenship and Immigration Services; Alan D. Bersin, Acting Assistance Secretary for Policy, November 20, 2014), http://www.dhs.gov/sites/default/files/publications/14_1120_memo_prosecutorial_discretion_0.pdf.

The sample was collected through in-depth interviews with parents or other related adults during face-to-face sessions in their homes or other safe locations. The sample was based on referrals from local immigrant advocacy organizations, service providers, and churches. Because the sample was based on these types of referrals, it is not a random sample of any group of arrested immigrants. We discuss some quantitative data in this chapter, but our results are primarily drawn from the stories we were told during the face-to-face interviews.

The interviews were conducted in six sites—four sites in which agents from US Immigration and Customs Enforcement (ICE) arrested immigrants at their workplaces; one site where immigrants were picked up at home or at immigration interviews; and one site in which the local police referred people they arrested to federal agents for deportation.³ Our interviews were conducted over a period of 2 years and included interviews at two time points:

- In the short-term, 2–6 months after a raid or other parental arrest; and
- In the long-term, 9 months to nearly 2 years after a raid or other arrest.

Two of the worksite raids occurred more than a year before the study described in this chapter began, and were the subject of an earlier, exploratory study. The families in these two sites were only included in our long-term sample. For the two other worksite raids, we conducted two interviews with the same set of parents—in the short and long term. Unlike the worksite raids, the arrests in the other two sites did not all occur at once, and interviews with parents in these sites are included in the short or long-term samples, depending on when the arrests took place.

All interviews were conducted with arrested parents who had been released, or with spouses or other family members of parents who had been arrested and detained or deported.⁴ The study team did not interview parents who were still being detained or those who had been deported. Our sample generally included parents who were appealing their deportation or otherwise had their deportation temporarily postponed. Almost all of them faced eventual deportation, although a small minority eventually gained work permits or permanent legal status after we interviewed them.

The study sample included immigrants from a variety of backgrounds. The largest groups were immigrants from Mexico, Guatemala, other Central American countries, and Haiti.

Of the children in the sample, two thirds were born in the USA (Table 5.1). All children under three and 89 % of those aged 3–5 were citizens born in the USA, while only a third of the adolescents age 12–17 were US-born. Many families included a combination of older unauthorized and younger citizen children,

³The six sites were Grand Island, Nebraska (worksite raid in 2006); New Bedford, Massachusetts (worksite raid in 2007); Van Nuys, California (worksite raid in 2008); Postville, Iowa (worksite raid in 2008); Miami, Florida (arrests by federal agents in homes and at immigration appointments, between 2006 and 2008); and Rogers-Springdale, Arkansas (arrests by the local police over a 6-month period in 2007 and 2008).

⁴About half the sample of parents were detained and separated for their parents for more than a day. Eighteen parents, or about 20 % of the sample, were detained for a month or more. Twenty families and 49 children had a parent deported by the time of our last interview.

Table 5.1 Age and citizenship of children in study sample

Child age	All children		US-born children	
	Number	Percent of total	Number	Percent of age group
Total	187	100	124	66
0–2	46	25	46	100
3–5	38	20	34	89
6–11	64	34	31	48
12–17	39	21	13	33

Note: Excludes three children whose parents did not provide age or nativity

Source: Urban Institute interviews with families in study sites

meaning that the older children would have difficulty returning to the USA if they ever left. Thus, the mixed citizenship of children often complicated parents’ decisions regarding whether to take their children with them when deported.

Findings: Family Economic Hardship

Loss of Parental Employment

Almost all of the families in our sample lost a working parent, because they were detained, deported, or released but not allowed to work. After the worksite raids, families lost workers who almost always had full-time jobs, consistent employment histories, and earnings that made their families generally self-sufficient. Families with workers at the meatpacking plants in two study sites averaged \$650 per week in income (more than \$30,000 annually) before the raids. In both sites, almost all families lost all their income in the short-term, and even in the long-term—9 or more months after the raids—almost all of these families still had no income.

In three sites, most of the parents we interviewed had been released with electronic monitoring devices (EMDs) affixed to their ankles; these devices allowed ICE agents to track their whereabouts. Respondents wearing bracelets were afraid that ICE would find out they were working and arrest them again. One mother with an ankle bracelet said she could not stay in any particular location other than her home for an extended period because ICE might suspect she was working. Respondents felt they could not physically do the work because of the discomfort of the bracelet. In the words of one parent, “In fact, you can’t work. It’s uncomfortable even just to walk.” Others found that employers would not hire them. In the words of another parent, “You want to look for work, everybody knows already that you got picked up, and so they are all afraid and no one wants to give you work, because you, even though you’re afraid, go out to look and everyone closes their doors to you.” It was particularly difficult for released parents to find any kind of work, even informally, in smaller communities where there were fewer employment options and where most people could identify those arrested in the raids.

Lower Household Incomes

Loss of work led to substantial declines in family income following raids and other arrests. In our long-term sample, family income dropped by about half. In one of the workplace raid sites, average family income had dropped by more than 90 % in our sample, and most families still had no income at all more than 9 months after the raid. In another site, family income was still down about 75 % almost 2 years after the raid.

Most of the parents we interviewed had been released or had a spouse who was in detention or later released. In general, the families in our study were released on bond, with ankle bracelets, or under other conditions pending adjudication of their deportation cases. In some cases their deportation proceedings had yet to occur, while in other cases they were appealing their decisions. Many of these cases took more than a year to be resolved, and some took more than 2 years. During these long periods families were generally left with very low incomes and became reliant on family members, friends, private charity, and in some cases public assistance.

Dependence on Private Charity and Public Assistance

In three of our study sites, communities responded to large-scale worksite raids with substantial humanitarian relief efforts. In one site, a local church conducted a national fundraising drive and raised almost \$1 million to support over 50 families for more than 6 months, and more than a dozen families for over a year. The church provided money for rent, utilities, and other basic necessities, while families were fed through food banks and regularly scheduled free meals. In the second site, the raided employer worked with community organizations to raise more than \$100,000 to assist families with rent, food, and other necessities. In the third community, community based organizations (CBOs) worked with a statewide immigrant coalition, a community foundation, and other groups in the region to raise money to assist affected families. In all three of these sites, the majority of our sampled families were dependent on private charity for at least several months, and a substantial minority relied on such charity for over a year.

Arrests in two of the sites occurred in immigrants' homes, at immigration appointments, and through local policing operations. The arrests in these sites were scattered over time and across geographic areas, and so there was no single "raid" to attract the community's attention. These operations received far less press attention, and communities did not mobilize as rapidly or comprehensively to assist affected families. As a result, the families we interviewed in these non-workplace raid sites did not have access to a privately funded safety net, and instead relied primarily on friends and family members for assistance.

There was substantial use of public assistance in our sample, even though all the parents we interviewed were unauthorized immigrants—who are generally ineligible for public assistance programs in the USA. More than 80 % of our sampled families had US-born citizen children, and these children are eligible for public

benefits regardless of the citizenship or immigration status of their parents. In our short-term sample, very few families accessed benefits for their citizen children, mostly due to fears about interacting with government agencies and reliance on family, friends, and private charity. But in the longer-term sample, about half of families participated in the Supplemental Nutrition Assistance Program (SNAP)—which gives families money to purchase food at grocery stores. About a quarter of the longer-term families participated in the Temporary Assistance for Needy Families (TANF) program, which provides cash benefits. Together these programs only provide a few hundred dollars in income monthly, and are inadequate to bring families up to the US poverty level; however, in families with little or no income they can provide a substantial safety net.

Public benefit use was concentrated in the three sites with substantial private charity efforts. These three sites accounted for all of the TANF cases and 80 % of the SNAP cases in our sample. In all three sites, the churches, CBOs, and other groups providing assistance conducted outreach to let families know their citizen children were eligible for these benefits, and sometimes had government eligibility workers stationed at their service locations. But in the sites where no such linkages were available through private charity efforts, families seldom accessed benefits.

Food Insufficiency

Economic hardship was universally high among our study sample, regardless of whether families were able to obtain private or public assistance. One standard US measure of hardship is “food insecurity,” defined as the “limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways” (Anderson 1990, 1598). Measuring food insecurity involves a number of survey questions, of which our study used the following:

- Could not afford enough food;
- Were not able to eat (could not afford) balanced meals;
- Reduced size of meals;
- Adults ate less than before;
- Adults experienced hunger.

About a quarter of the parents we interviewed in our short- and long-term samples experienced hunger sometimes or frequently after the immigration raids or other arrests. Three quarters of those interviewed more than 9 months after a parental arrest had difficulty affording food and balanced meals. In overall national comparison samples, the rate of hunger is less than 5 % and rates for the other four conditions are all less than 15 % (Coleman-Jensen et al. 2011).

Like other families on the margins of subsistence, our families generally developed strategies that minimized the impact of food scarcity on children, which meant at times adults cut back on their own consumption. At other times it meant cutting

back on the variety and quality of food, or choosing between food and other necessities. For instance, a single mother of three told us she ate less during the months after her arrest, but that the children sometimes refused to eat when they saw her not eating. She would say “Sons, eat,” and they would respond, “Mommy, you eat first.” She would pretend to eat more than she was really eating in order to get them to eat.

In other case, a single mother who had been arrested 3 months before our interview described her coping strategy, “Not only did we have to cut the size of our meals, we had to skip meals, because it’s not whenever you want a meal that you can have a meal.” A third single mother in the sample, who was caring for her two children and her niece after her brother was arrested, told us:

The kids have a lot of problems because sometimes I have five dollars for whole week and the kids only have noodles and the kids will only eat noodles. And I’ll buy a gallon of water and they’ll drink water and just go to bed like that.

In yet another case, a mother with two young children who was arrested and held for 4 months related her difficulties meeting all of the family’s necessities, “Sometimes we don’t pay the water so we can buy food. Sometimes we don’t pay the insurance so we can buy food. Sometimes we don’t pay the light so that we can buy food.” These kinds of difficult choices in providing their families with basic necessities generated considerably anxiety in our study sample.

Crowded and Unstable Housing

Housing was families’ most costly basic necessity, and another area in which hardship was pronounced after the raids and other arrests. In the three sites where families received substantial amounts of charity and public assistance, housing was the biggest ticket item. In one of the sites, the church that distributed assistance negotiated with landlords, sought out lower cost housing, and forced families to move in together to help stretch its resources to serve families for as long a time as possible.

Across our study sample, one in four families moved in with friends or family members, or had others move in with them. In one case, a family of three moved from a one-bedroom apartment into a two-bedroom house with seven other family members. In another case, a mother with four children moved into a house with her parents and two other family members. In a third case, a family rented out a bedroom in their apartment to another couple and their two children. These more crowded living conditions limited the amount of space available for children to play and do their homework; they also led to conflicts among children and parents.

Families in our sample also moved frequently after one of the parents was arrested. In one case, a landlord asked a mother who had been arrested to move out of her apartment. In another case, a couple living with a mother who was arrested and released with an ankle bracelet moved out because they were afraid that ICE agents would come to the apartment and arrest them. The mother then moved to another apartment, and once there another roommate threatened to move out. The mother and her three children wound up staying in the living room of an apartment

they shared with four men. These frequent moves generated instability in families and created further psychological pressure for parents who were also dealing with loss of family income, difficulty finding jobs or other forms of assistance, and frequently, separation from a spouse or partner.

Parental Mental Health

The combination of parental arrest, family separation, lost work and income, food hardship, housing instability, and worries about the future led to increased stress, anxiety, and other mental health challenges in our study sample. Large shares of parents we interviewed reported mental health challenges, both in our short-term interviews (2–6 months after their or their spouses' arrest) and longer-term interviews (9 months or more after arrest). Respondents were asked six items, and a large majority answered all six items—though there were some refusals. Respondents reported whether (and how often) they experienced each emotion, choosing from five answers on a scale (never, almost never, sometimes, almost always, or always). In addition, respondents also described their mental health concerns in responses to open-ended questions.

More than 40 % of short-term respondents said they always or almost always felt depressed, nervous, anxious, or that everything is difficult (Table 5.2). A third always or almost always felt hopeless, and a fifth felt worthless. There was little decline in these shares in our longer-term sample (many of whom were interviewed more than a year after arrest), suggesting that such mental health symptoms persist in this population.

We did not randomly sample parents arrested in the sites, and so these rates of mental health problems cannot be extrapolated to the population affected by the raids and other operations we studied. The parents we interviewed, however, had not yet been deported and were not in detention. Most were spouses of detainees or had been released pending their deportation, although a few had experienced detention themselves. If we were to include detained and deported parents, these rates of mental health concerns could arguably be higher.

Stressors Affecting Parental Mental Health

In the in-depth interviews, parents described a number of stressors that affected their mental health after worksite raids and other arrests. Stressors included unpleasant memories of arrest and detention, electronic monitoring via ankle bracelets, lack of work, increased parental duties, uncertainty about the future, and denial of the hopes and dreams that brought them to the USA in the first place.

Anxiety was sometimes triggered by interaction with authorities, and this was true both for parents and their children. More than 1 year after being arrested detained, one parent said she remained anxious, and whenever she spotted a police

Table 5.2 Self-reported parental mental health

	Depressed (%)	Nervous (%)	Anxious (%)	Everything is difficult (%)	Hopeless (%)	Worthless (%)
2–6 months after arrest (N= 52 parents) ^a						
Never or almost never	10	6	25	17	25	52
Sometimes	44	33	27	37	38	21
Always or almost always	44	60	46	42	35	21
9 or more months after arrest (N= 36 parents) ^b						
Never or almost never	19	14	19	33	28	36
Sometimes	44	31	33	33	42	39
Always or almost always	33	53	47	31	25	22

Notes: Respondents included in the table answered at least four of these six items. Percentages may not add up to 100 due to rounding

^aExcludes three respondents with insufficient data and two caregivers who were not parents. There were nine missing responses among those included

^bExcludes 14 respondents with insufficient data and two caregivers who were not parents. There were six missing responses among those included

Source: Urban Institute interviews with families in study sites

officer, she recalled her detention. At the time of the interview, she was still checking in with ICE monthly, and told us that these check-ins triggered her anxiety. Another said, “You’re really unsafe, in the park or whatever, because immigration can show up anywhere and they can detain you.” A third parent said that said that every time she sees a police officer or hears a knock on the door she fears that they are coming to take her away:

I [would see] a patrol car, although it was a police car, I got scared. I would hear a little sound or something and I would get nervous and, naturally, I would scare [my child] because even when someone would come to knock ... on my door ... I would imagine that it was them, so then I would go to my room, or if I was in the kitchen, well, I would stay there, and I would call my husband ... this, this is happening ... little by little, it has gone away ... I always, always remember that moment ... I imagine that they can detain me at any time ... and, well, I always live with that fear, with that anxiety ‘what’s going to happen to me? my child?’

Parents who were released with EMDs sometimes had adverse responses to their ankle bracelets. One mother described it this way:

The life I’m living now is not anything that I’d hoped for. It’s not a life for a human being. It’s a life for an animal. I feel like I’m living in hell. I can’t explain. I can’t describe. It hurts me and at night I have to sleep with this thing [EMD] and by day I have to charge it. In the beginning I felt like it was insects walking around me. You see it left this mark. Sometimes I want to give up. I feel like I lost my mind. I get depressed and I start shaking.

Lack of employment also generated anxiety in our sample. One of the mothers we interviewed was released but could not work for more than a year after her arrest.

I'm someone that likes to work, that has always been working. In fact, right now I feel—maybe because of my anxiety, and I get hungry and eat... I'm too fat right now, and maybe that [then]... depresses me.

Increased family duties generated anxieties in many parents. A father took on extra family duties after his wife was arrested for shoplifting by the local police—who then checked her legal status and took her into custody. At the time of our interview, about a week into his wife's detention, he was responsible for three children, including a newborn, and his elderly parents, both of whom were ailing. He quickly grew depressed and did not know how to respond to the family crisis.

All the time ... now, I'm just looking at my watch; time goes by and I get nervous. Nothing cheers me up but I also try not to be like that [depressed] all the time, when I feel that I won't be able to do something better [for my family]. I see anyone on the street and I tell them, 'I don't know if you know anyone who can lend me money, I live in such and such a place?' 'well, no' [they say] ... right now, honestly, I haven't cheered up.

Most of our sample waited more than 6 months for their deportation cases to be adjudicated, and some had waited over a year by the time of our interviews. Prolonged uncertainty about whether and when they would be deported increased anxiety for many parents. Sometimes parents could not deal with the uncertainty and left the country voluntarily. In one example, a mother of four was arrested and released with an ankle bracelet. Two months after the raid, she was anxious almost all the time because she did not have a court date and wondered how long she would have to be in the country without a source of income. She was worried about her family's uncertain future:

Well, the truth is that my nerves have always been with me—nerves, anguish—I think we all have them, a little bit sometimes and sometimes you try to find a way to be calm. Sometimes you can't even sleep. I think that ... I'm never going to be thinking about things calmly [or] positively, but instead I am [always] thinking, 'what's going to happen, when are they going to send me a letter, what am I going to do with my children? Am I going to send them away? ... I don't want to be apart from them. I'm going to suffer like when I left them.' The day goes by and the days go by, and your mind is always working; the nerves; the anguish.

Feeling constantly nervous hopeless and nervous, she voluntarily left the country with her children in August 2008.

Many families had been working in the USA for some time and had dreams of saving and investing in their home countries. One mother, whose husband spent 5 months in detention and was deported, had four children in the USA and two in Guatemala. She told us that after her husband's arrest, they could no longer send money home to provide for the children in Guatemala, or to continue construction on a home there. Additionally, they owed \$4000 to smugglers. In her words, the arrest of her husband was:

A striking blow because we came here to work and make something for our family. But right now it is sincerely like we failed. ...I feel hopeless because it's very expensive on your own. Without money, without a job, and, I feel desperate because my children say, 'mommy, I need

this' and I can't give it to them ... When we were both here, well, I felt really comforted because at least ... we'd worked, but we knew that we could give our children what's necessary. But, like this, not anymore ... there's no way out, the children are always asking for things.

After the raid she had no income and was dependent on a local church for rent, food and other basic necessities. When her husband was released and deported, she decided to return to Guatemala with the children.

Impacts on Parental Physical Health

Some parents experienced difficulty sleeping in addition to the symptoms listed in Table 5.2 above. In one case, a couple was arrested in a worksite raid; the mother was released the same day but the father spent 6½ months in detention before being deported. Immediately after the raid, the mother described how her thoughts keep her up at night. "Sleep won't come for me because of all the thinking—at one, two in the morning I'm awake. I can't sleep unless I take an Advil pill to sleep ... I can't sleep from thinking about a lot of things that are going to happen."

In a few cases parents said their arrest aggravated existing medical conditions. Before one of the raids, an asthmatic mother had been able to stop using her inhaler because her condition improved. After her arrest, she started having attacks every 20 min and waking up at least twice a night, gasping for breath. She lamented, "[now] I always need to have inhalers." In another case, a diabetic mother was controlling her condition with diet before she was arrested. After her arrest, her blood sugar rose, and she started using insulin. She went to the emergency room following a diabetic attack. She was released from ICE detention with an ankle bracelet, which caused swelling, irritation, and numbness in her foot; she worried that her toes were getting infected and could potentially be amputated.

Other interviewees said they had never experienced health problems before their arrest, but developed them afterward. Headaches were the most common complaint. One woman explained that her headaches made her sick for days to the point where she could not walk: "I got a headache... and I couldn't eat and I felt very weak." Another woman said that her headaches got so bad that she cut her hair. She explained: "I can't stand it, I have headaches and I can't stand the weight of my hair, I can't stand anything on my head."

Thoughts of Suicide

In the most extreme cases, parents told us they had contemplated suicide, although no one that we know of followed through on these thoughts. One mother told us she was overwhelmed whenever she thought about being deported to Mexico:

When your nerves get a hold of you, you want to go crazy. What scares me a lot is going [to Mexico] because I don't have anything over there. I don't have a house or savings. I don't

have anything ... I don't want to go, because I know that I can work [here]. I am a hard working woman, and I know that [my children] won't be lacking anything here but over there they will, and it's a very different life over there, and that depresses me a lot, and here they told me that they were going to help me so I can have a psychologist and I'm waiting.

For weeks after her arrest, she had a difficult time fighting depression and would call her mother to talk about what was happening. She began taking sleeping pills:

'I could not sleep and when the depression from sleeping got a hold of me I did not want daybreak to come...' Her friends told her to sign up to see a psychologist, but there was a waiting list.

One of the fathers we interviewed twice grew more depressed between the two interviews with him. In the first interview, 2 months after his arrest, he said he had a very difficult time adjusting to life after his week-long detention. He spent a lot of time in bed and would often not want to get up: "It's difficult ... The raid finishes you, it leaves you at zero, and it's difficult to cheer up because, you see, you're going to lose everything, everything, everything, you're going to lose everything." He found part-time work after his release but was not able to keep the job. Like many other respondents, he bemoaned the loss of his steady paycheck after the raid, "[I felt] desperation about ... my job, it's been three, it was, almost four years at this same job and it was a company that gave you opportunities."

During our second interview a year later, he described a series of further misfortunes. He struggled to find work, and lost another job he had secured through a temporary agency. His wife also found work but lost her job after a few months. His wife had given birth to a stillborn baby, and his mother in Mexico died. He blamed himself because he was no longer able to send her money for her diabetes medication. Ashamed that he was unable to provide for his family, he suggested to his wife that they and their son commit suicide by taking poison. His wife refused and talked him out of it. He described his anger:

This country at the beginning gave me a lot but it has taken even more from me. And I don't want it to take anything more from me. It's very ugly. I'm very angry ... Not just me, but so many people they have arrested that had no prior problems with the police.

Support from Family, Friends, Churches, and Mental Health Professionals

Few of the parents who reported mental health challenges had received professional help. Two of our respondents received counseling while still in detention. Others often found counseling help through referrals from their lawyers, community organizations, churches, and the schools their children attended.

In one case a mother was arrested alongside her husband in a worksite raid; she was released to care for her children, but her husband was detained for several months and then deported. In our interview, she answered that she almost always or

always felt depressed, anxious, nervous, hopeless, worthless, and that everything she tried to do was difficult. She had been a survivor of domestic abuse and through that experience had learned to build a support system. She said she tried to face the emotional challenges that followed the raid, while keeping her thoughts to herself and shielding her children. “It can be very difficult, but it’s just that . . . to make sure that my children don’t go through the same things I am feeling, and I also have to try to cheer up, to cheer myself up a little bit.” Her lawyer referred her to a male psychologist, who did not allow her to bring her children to her first (and only) session with him. Later, she sought help from the children’s school and was referred to a female counselor, who allowed her to bring her children along to talk about what had happened since the raid. After speaking with the counselor, she said she learned to talk to her children about things and confide in her landlord. Although she would still spend entire days not doing anything, she no longer felt worthless—as she did right after the raid. “I can say that I used to say [that I was worthless] before but not anymore,” she said. Referring to her children as the source of her strength, she continued, “I have two very important reasons not to stop feeling valuable.” At the time of our second interview, more than 9 months after her arrest, she was still uncertain about whether she would be deported to Guatemala.

Another mother, who told us she considered her life worthless after the raid, stopped eating regularly and relied on sleeping pills to fall asleep for months after the raid. Her friends encouraged her to see a counselor and she ended up seeing a female counselor for 8 weeks. She felt the psychologist helped her deal with her depression and her children: “I was kind of depressed. She helped me a lot. [She talked to me] about how to behave, how to understand myself, how to be patient with my girl.” After the counseling, she took English classes 2 days a week, and found the classes engaging and relaxing. Almost a year later, although she was still wearing an ankle bracelet and awaiting the outcome of her deportation appeal, she said that she rarely felt depressed and cheered herself up by spending time with her daughters and staying busy: “I want to imagine, well, live the day with my daughters, and the important thing is to be together. . . I clean the house every day, so that I’m not in my head thinking too much.”

Others who wanted professional health had trouble accessing it, mostly because of cost. A woman in our sample who was suffering from depression lamented, “[it’s available] only if you pay, I don’t have the resources and they said here at the church that they were going to bring someone but no, they weren’t sure.” Another mother who was often paralyzed with anxiety confessed, “But imagine, that is, if I get help, you have to pay and where am I going to go to [get the money] to pay? Maybe I could look to [friend’s name] but it makes me sad to bother her. . . I’m not one of those people who goes around bothering [people].”

Some of those suffering from health problems associated with their mental health saw doctors who treated outward symptoms with sleeping pills, antidepressants, or other medications. In one of the study sites, a doctor in a nearby clinic prescribed Prozac to over a dozen parents who had experienced headaches, stomachaches, and signs of depression after their arrest.

Other respondents said they relied on assistance from churches or their personal faith to cope with the psychological and emotional problems that followed their or their spouses' arrested. One respondent described her faith in God, "I just trust in God and I know that he is the only hope." Another said, "I always felt very sad, very alone. I would feel that the world had ended, but thanks to God there is a light that shines on you and, like my mother said, 'If you fell once, you're going get up and you're going to come back.'" A third respondent told us that the Bible lifted her spirits, "When I feel downhearted, I grab my gospel and that lifts my spirit, my soul and with that it's like it encourages me to walk over everything and it's what's keeping me standing now."

In some cases, clergy and parish members helped respondents cope. In one case, a pastor took one of our respondents, whose husband was deported, to the emergency room because he was worried about her health. The pastor and her fellow parishioners called her frequently, and regularly came to her house to check on her. She told us:

He was trying to give me a sense of life. That life is not over. That was good. It was good for my well-being....I believe more in prayer. Once I pray I'm fine. Now what I do is I'm trying to go to mass every morning. That's better for me. ... I feel good when I come here [church].

Some respondents drew strength from their parishes, where many members had experienced similar events. In one such case, a respondent told us:

The church ...had a meeting with all the people who went to confession and almost everyone was saying the same thing: what was happening. So I felt that my heart was cheering up, too because it wasn't just me that was going through this. I felt good and it cleared up my thoughts, my heart to heart all of that. I'm calmer.

Finally, the most frequent source of support parents mentioned were their own families and friends. One interviewee had this insight: "I think that instead of separating us, [the raid] has brought us all together as a family because we've learned that when one suffers, we all do." Many detainees also mentioned that their children, in particular, gave them strength and comfort. "It's because of them that my spirits have risen," confided one mother of three. When asked what kept her going, one mother responded: "Taking care of my [2-year-old-son] son who's here with me and when he kisses me, he hugs me, and he says 'I love you.'"

Impacts on Child Behavior

The children also suffered changes in their mental health and well being following the arrest of their parents. We did not directly assess their mental health, but instead asked parents to report any significant changes in their children's behavior since the raids or other arrests. We asked about eight specific behaviors (Table 5.3), and then asked parents to describe in more detail how these behaviors changed.

Table 5.3 Parents’ reports of changes in children’s behavior

Behavior change	2–6 months after parental arrest ^a (%)	9 or more months after parental arrest ^b (%)
Eating	68	43
Sleeping	66	41
Crying	60	47
Being afraid	54	33
Being anxious	42	23
Being withdrawn	42	43
Being clingy	40	54
Being angry or aggressive	36	41
<i>Three or more changes</i>	68	36
<i>Four or more changes</i>	56	25
<i>Five or more changes</i>	40	18

^aThe percentages exclude missing data and employ different denominators ranging from 92 to 120 (out of 133 children)

^bThe percentages exclude missing data and employ different denominators ranging from 55 to 77 (out of 112 children)

Source: Urban Institute interviews with families in study sites

Parents reported significant behavior changes in four or more areas for a majority of children in our short-term sample. By the time of our longer-term sample, this share had fallen to a quarter. On most of these indicators, behavior difficulties subsided over time. Nonetheless, there were significant shares still experiencing these changes 9 months or more after their parents were arrested.

Impact of Family Economic Security

Family economic insecurity was associated with changes in children’s behavior in some of the study families. In particular, housing instability and crowding often led to behavior problems. In one case, a mother and four children moved into the grandparents’ basement after the father was arrested in a workplace raid. The mother struggled to get the children to go to sleep at a regular time and sometimes had to resort to punishment. At the time of our visit, her oldest son (age 11) was staying up late and would sometimes leave the house and stay out until 10:30 p.m. The eating habits of the oldest daughter (age 9) changed, and despite her mother’s best efforts, the girl continued to eat irregularly and lost weight:

She stopped for a few days after the raid but it was as a result of what was happening ... You would tell her, “do you want strawberries?” And you take them to her but she wouldn’t eat them. And she would always say, “I’m not hungry” ... and she was the same at school. At school, they also told me, “She’s not eating,” “We’re worried that she won’t eat” ... I beg her to eat. I tell her, “go eat.” She loves peanut butter and jelly sandwiches ... and I give her one ... [but] she lost her appetite. She’s not very hungry.

Fears of Arrest by Immigration Agents or the Police

Families were often paralyzed by fear that immigration agents would come to their homes and arrest people—even in the sites where all of the arrests were carried out in worksites and not in people’s homes. Parents and children shared these fears, but children tended to act on them more often. For example, an 8-year old boy whose mother was arrested in a worksite raid was afraid every time a stranger came near his home:

He always [thinks] that immigration is taking people ... He gets nervous, he starts to cry, closes the curtains and when someone knocks he tells me, “Mommy: immigration”... He sees someone walk by and says, “Mommy, someone went by, hopefully it’s not immigration.” Yesterday, we were getting ready to go to church—and I don’t know how he saw the window—he said, “Mommy, look, there goes someone from immigration. Who are they looking for?” he asked me. He has those moments all the time.

Another 8-year old boy, who had seen his father arrested at gunpoint in their home, no longer trusted the police. According to his father, the son and his friends “see the police and run home...sometimes I go to visit them and, well, I’m there and they come in running and shutting the door because they say that the police are coming.”

Separation Due to Parental Detention or Deportation

Long-term separation from a parent was especially difficult for some of the children in our sample. Children were separated from parents for lengthy periods either because a parent was detained—in some cases for several months—or was deported. Parents often struggled with what to tell children about what happened to the parents who had been arrested and did not come home. In one such case, a mother and father were both arrested in a workplace raid; the mother was released, but the father served 5 months in jail and then was deported. The mother told the three sons that the father left to find work and would return home soon; they later found out he had been arrested and detained. The youngest (age 4) would not talk to anyone, and the middle child (age 5) stayed by himself most of the time. The oldest (age 13) became sad and withdrawn:

He was sick from depression because he was very sad ... and he would tell me, “don’t talk to me” and he was like that for almost an entire month. Now [that happens] less because they talk to my partner by telephone and ... we talk with him sometimes once a week.

In another family where both parents were arrested and the father was kept in prolonged detention, the two boys started fighting. The mother was particularly concerned about the younger boy (age 4):

Before, they played fine, but not anymore; sometimes they fight. I don’t see them being closer; instead, well, we used to support each other and when something would happen my husband would tell them, “don’t fight” and now they don’t listen and when the little boy fights with the older boy he says, “I want my daddy,” and I don’t like it.

Reaction to Ankle Bracelet

Women who were arrested and then released with an EMD on their ankles comprised a large share of our study sample. In many cases these women told us they were stigmatized by wearing these ankle bracelets, and the stigma affected their ability to find housing, secure employment, and interact with people outside their homes. As described earlier, some parents suffered physically and psychologically from wearing bracelets as well.

Having parents wear ankle bracelets also affected children's behavior. For instance, a 2-year-old boy whose mother was arrested at home and fitted with an EMD started behaving more aggressively, and his anger appeared directed toward the ankle bracelet. When the mother charged her bracelet for 2 h each day, the toddler tried to be patient but soon wanted his mother's attention. He sometimes pulled the cord his mother used to charge her monitor out of the wall. "To begin with," his mother said, "he didn't listen much but ever since that day he's gotten worse. He's more violent and throws stuff on the floor and hits himself. Sometimes he pulls the thing from my foot. But I can't explain it to him because he won't understand."

In another case, 4-year old fraternal boy/girl twins saw helicopters arrive on the day of a worksite raid. Their father was detained and deported, and they had not seen him again at the time of our interview. Their aunt was detained and released with an ankle bracelet. Then their aunt and cousin moved in with them, and the twins began playing with their cousin. Their games included a version of "cops and robbers" where one group played the role of immigration agents and the other(s) pretended they were immigrants fleeing from a raid. They chased each other, as if playing a game of tag, and said, "I'm gonna detain you. Let's take you to jail." Sometimes they used a tool to grab things off the floor to grab each others' ankles while in pursuit.

Discussion and Conclusion

Our research suggests that immigrant families with children face substantial economic, emotional, and psychological difficulties following the arrests of parents in immigration raids. In particular, parents are separated from children for extended periods when they are detained or deported. Although many of the parents we interviewed had been arrested and released, these parents were generally unable to work to support their families, and their family incomes mostly disappeared as a result. Economic hardship experienced by families included loss of income, difficulty affording food, doubling up on housing, and moving frequently. Many families we interviewed had virtually no income at all for months—even more than a year—after parental arrest, and during this time they were entirely dependent on their friends and family members, private charity, and public assistance for their survival. The depth of family economic hardship is indicated by the large amount of assistance required—in the most extreme case, almost \$1 million to support about 50

families for almost a year. But many families go without substantial assistance, especially in cases where the parents were arrested in their homes or by police on the street, rather than in high-profile worksite raids. In these cases, which comprise the bulk of interior arrests of unauthorized immigrants, the families suffer more quietly and with less visibility.

Separation of family members combined with economic hardship and the stigma of arrest and detention to generate substantial psychological stress for parents and children. Following their arrest or the arrest of a spouse, parents described multiple symptoms including depression, anxiety, and feelings of hopelessness and worthlessness. Parents' symptoms were exacerbated by stress and worry over inability to provide for their children, prolonged separation from spouses, discomfort and stigma associated with wearing ankle bracelet tracking devices, and uncertainty over whether and when they and/or their spouses might be deported. Children similarly experienced these stressors, which affected their eating, sleeping, and behavior patterns. Children also confronted their parents in various ways, including aggression and withdrawal, and acted out their fears and concerns in creative games.

Taken together our findings suggest that current US immigration policies, which focus heavily on arrest and deportation of unauthorized immigrants, have widespread and substantial consequences for families with children. The prospects for a major reform of the US immigration system remain uncertain. The most substantial reform of course would be the legalization of a substantial share of the estimated 11–12 million unauthorized immigrants currently in the country, focusing on those with extensive work experience, well-settled families, and no criminal history. Such a mass legalization paired with reforms that reduce future unauthorized flows would obviate the need for large-scale arrest and deportation operations, and prevent more immigrant families from being traumatized in the ways we document here. But the U.S. Congress failed to pass immigration reform legislation that it considered in 2006, 2007, and 2013.

In the absence of immigration reform legislation, the Obama administration has taken administrative steps to protect certain large, well-defined groups of unauthorized immigrants from deportation. In June 2012, the administration announced the Deferred Action for Childhood Arrivals (DACA) program for certain unauthorized immigrant youth ages 15–30 who had arrived in the United States before age 16 (US Citizenship and Immigration Services 2012). DACA grants deferral of deportation and work permits for two years, renewable. By September 2015, 700,000 youth had received benefits under the program (US Citizenship and Immigration Services 2015). In November 2014, the administration announced an expansion of DACA as well as the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) which would grant similar benefits to parents of US citizen or lawful permanent resident children with at least five years of US residence. DAPA and the DACA expansion could provide benefits to an additional 4 million or more unauthorized immigrants, but a federal judge issued a temporary injunction barring their implementation in February 2015, and the legal challenge to these programs must be heard by the Supreme Court before the injunction can be lifted (Farias 2015).

The Obama administration has made some additional administrative changes to enforcement policies, which have prevented or ameliorated the scenarios described

in this chapter. The administration stopped conducting worksite raids in 2009. Instead of raiding workplaces and arresting large numbers of unauthorized workers, ICE is focusing on auditing employers' records, levying fines against those firms that flagrantly violate the law, improving and broadening the use of a system to verify work authorization electronically, and arresting immigrants with criminal histories after they are booked into state prisons and local jails.

Following the earthquake in Haiti in early 2010, the administration extended Temporary Protected Status (TPS) to unauthorized Haitian immigrants in the USA for a 6-month period, which may be extended as they have been for other recent TPS populations. TPS does not confer a path to permanent residency or citizenship, but it allows immigrants to remain in the USA without fear of arrest or deportation and, just as importantly, to seek employment. One of our study populations was unauthorized Haitian immigrants in Miami, where advocates for years had been advocating TPS for this highly vulnerable population based on several recent natural disasters coupled with Haiti's deep levels of impoverishment and political instability.

The administration has also vowed to focus mainly on identifying, arresting, and deporting immigrants who are security threats or who have committed serious crimes. The Obama administration has issued a series of guidelines regarding "prosecutorial" discretion of ICE officers during arrests, detentions, and removals. These guidelines state that ICE officers should focus on the most serious criminals (i.e., those representing security threats, committing felonies, committing serious or multiple misdemeanors, having entered the United States illegally since 2014, or having committed a civil immigration offense since 2014). The ICE guidelines also state that officers and prosecutors should consider granting relief from removal at least temporarily to people who are not serious criminals and have factors that prompt "care and consideration" including service in US armed forces, being a child or elder, entering the USA as a child, being pregnant or a nursing mother, being a victim of domestic violence or other serious crimes, and having a serious disability or health condition. Being a parent per se was not listed among these criteria, except for nursing mothers (Morton 2011, Johnson 2014).

Another one of our study populations was immigrants arrested by the local police, and efforts to reduce or better manage police authority to make immigration-related arrests could help avoid some of the consequences we observed in this population. The 287(g) program has been criticized for casting a wide arrest net that often includes immigrants committing traffic violations and other minor violations, with felons and other serious criminals comprising less than half of the program's arrests and referrals for removal (Capps et al. 2011). Two recent federal government studies were critical of the program for its broad approach to immigration enforcement and lack of federal controls over state and local police activities (US Department of Homeland Security 2010; US Government Accountability Office 2009). Since we were in the field conducting the study discussed in this report, the 287(g) program has been modified somewhat to follow the guidelines for prosecutorial discretion discussed above. Yet a recent study found that in some locations discretion was not exercised by ICE officials or local police in choosing immigrants to refer for removal, and up to 70 % of all those referred had not committed serious

crimes (Capps et al. 2011). The presence of 287(g) programs, in tandem with state laws criminalizing immigrants and empower the police to arrest them on traffic offenses and other minor violations, has led to widespread fear of the police and restrictions on immigrant activities in some communities—fear which has been documented in national surveys of the Latino population.⁵

Since we were in the field, cooperation between local police and ICE has been expanded significantly through the Priority Enforcement Program (PEP, formerly Secure Communities), a database link between local jails and DHS that allows those jails to check the immigration status of everyone they book. (US Immigration and Customs Enforcement 2015). By 2013, almost all state and local law enforcement agencies in the United States participated in Secure Communities and referred individuals booked into jails and prisons to ICE for deportation. But between 2013 and 2015, more than 300 jurisdictions had backed out of Secure Communities, objecting to the broad scope of the program. In 2015, as part of the implementation of PEP and the new enforcement priorities, ICE began renegotiating contracts with law enforcement agencies on the types of individuals who would be referred for deportation and the conditions under which they would be referred.

Another important policy change is the granting of visas to immigrants who are victims of domestic violence or other crimes. Congress passed legislation authorizing visas for victims of crimes but the US government has been slow to grant these visas. In one of our study sites, a substantial number of immigrants arrested had been subject to sexual harassment, physical abuse, and other serious crimes in their workplace before it was raided. Dozens of immigrants have appealed their deportation and asked ICE for visas based on abuse by their employer, and by 2010, 2 years after the raid, more than two dozen had received their visas, which allow them to work and put them on a path to permanent residency and citizenship. Given the widespread exploitation and abuse of unauthorized immigrants across the USA, it is likely that a substantial number could qualify for such visas were the crimes against them uncovered. Several immigrants in our sample also qualified for visas because they were abused by their spouses or partners, and such abuses are also likely to be significantly underreported. The ICE guidance that prioritizes deferring removal for victims of trafficking and domestic violence is an important step toward protecting this especially vulnerable population (Morton 2011).

Finally, in 2013, ICE issued a directive for “Facilitating Parental Interests in the Course of Civil Enforcement Activities.” This directive is a comprehensive policy protecting parents and legal guardians in detention and deportation proceedings, and it builds on ICE’s enforcement priorities and prosecutorial discretion policies (ICE 2013). The policy directs ICE officers to confirm whether immigrants in custody are primary caretakers or parents, and specifies this information should be

⁵For instance in the 2010 National Survey of Latinos, the Pew Hispanic Center found that 52 % of all Latinos (and 68 % of foreign-born Latinos) worried that they, a family member, or a close friend could be deported. One-third (32 %) knew someone detained or deported by the US government within the past year. See Mark Hugo Lopez, Rich Morin, and Paul Taylor, *Illegal Immigration Backlash Worries, Divides Latinos* (Washington, DC: Pew Hispanic Center, 2010), <http://pewhispanic.org/files/reports/128.pdf>.

taken into consideration when making detention and deportation decisions. The directive mandates points of contact for parents and child advocates in each ICE office, and requires ICE to facilitate parental appearances in child custody hearings as well as contact between parents in custody and children when required by family courts.

The Obama administration has implemented reforms such as narrowed enforcement priorities, exercise of prosecutorial discretion, new policies for transfers of individuals from state and local jails to federal custody, immigration relief for victims of certain crimes, and protections for certain groups of parents in custody. Taken together, these policies help ameliorate the stresses parents and children following arrest and detention of their family members. But the scope of these reforms is not broad enough to remove the threat of removal for most unauthorized immigrant parents in the USA.

More substantial changes, however, would require either the implementation of DAPA (after approval by the Supreme Court) or Congressional action. One important legislative solution would be to better and more narrowly define who is a “criminal alien” subject to arrest and detention. An immigration reform law passed in 1996 expanded this definition and increased the range of deportable offenses, while restricting the ability of arrested immigrants to appeal their deportation in immigration courts.⁶ The 1996 law narrowed the grounds on which immigrants could appeal deportation based on hardship to their citizen children. Legislation to reverse the policy changes in the 1996 law and allow immigrants to appeal deportation on broader grounds, including a less restrictive definition of “hardship” to children, has been introduced more than once in recent sessions of Congress, but has not passed. Finally, Congress could prescribe the types of enforcement operations that are permissible and legislate how they should be conducted. In the same 1996 law, Congress authorized the 287(g) program allowing state and local police officers to engage in immigration enforcement operations. Legislation revoking or circumscribing these police powers and requiring ICE to target its operations toward the most serious criminals and security threats could also lessen the scope and impact of enforcement on US immigrant communities.

Absent DAPA or comprehensive immigration reform, the US government continues to spend billions of dollars annually on arrest and deportation as its primary response to unauthorized migration. More than five million children, over 80 % of whom are US citizens, are at risk for separation from their parents, severe economic hardship, and related social and psychological consequences. In the long run, the nation’s current focus on enforcement, which includes criminalizing and stigmatizing parents, will have a dramatic and unforeseen impact on a generation of immigrants’ children as they grow up separated from their parents or living in another country. Most of these children are future US workers and citizens, and how the nation treats them now will heavily influence how they contribute to the nation in the future.

⁶ *Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)* of 1996, Public Law 104–208.

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Chapter 6

The Federalization of Racism and Nativist Hostility: Local Immigration Enforcement in North Carolina

Deborah M. Weissman

Abstract In recent years, immigrants from Latin America in record numbers have chosen the South—and North Carolina, in particular—as a new and favored destination. Because race has been a decisive historical organizing category in the South, the legacy of racism remains an ongoing source of concern as Latina/os take their place in the state. Although some state institutions and entities adapted to accommodate the changing population, this chapter argues that nativist sentiment has been expressed through a number of practices, including a program known as 287(g) that authorizes the enforcement of immigration laws at the local level. The program has provided new-found authority upon which localities can disguise a local politics of resentments and racial hostilities toward immigrants through the use of the instrumentalities of immigration enforcement powers. However, one conceptualizes the larger framework of immigration issues, what remains clear is that the enforcement of immigration laws at the local level will inevitably involve historical legacies of race and tolerance.

Introduction

Legal developments over the past century established the principle that the power to control immigration was tantamount to the power to determine foreign affairs and national security, and thus properly allocated to the federal government. However, recent years have seen some devolution of such authority to the states, particularly in the realm of public benefits and enforcement of immigration laws.¹ As a result of this transfer of power, legal scholars have reexamined the constitutionality of

¹ *Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, (PRA), Pub. L. No. 104–193, 110 Stat. 2105 (codified in scattered sections of 8, 42 U.S.C.). The PRA allows states the authority to restrict welfare and public benefits to immigrants, Id. §§ 400–451, 110 Stat. at 2260–76. In that same year, Congress authorized states to enter into agreements with the federal government to enforce immigration laws at the local level pursuant to a program known as 287(g). *Illegal*

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immigration federalism and debated whether the federal government should, according to long-established legal principles, maintain exclusive control of the subject matter (Wishnie 2001; Huntington 2008; Rodríguez 2008). While the legal discourse that has emerged has considered the states' interests in managing local functions that intersect with immigration matters such as crime control and education, less attention has been paid to the ways in which local history, culture, and practices, especially racial politics, shape the ways in which the states may make use of their newly obtained immigration authority.

This chapter argues that the concerns of place have converged with matters of law, thus giving new importance to the study of how local interests mediate the law and the way in which the law acts as an agent of place. It considers these questions in the context of shifting demographics in the South with a focus on North Carolina, where immigrants, particularly Latinos, have migrated to the region in dramatically increasing numbers. Because race has been a key historical organizing category in the South, the legacy of racism remains an ongoing source of concern as Latinos take their place in the region. Indeed, this demographic shift has prompted a number of practices by which nativist sentiment has found expression, including a program known as 287(g) that authorizes the enforcement of immigration at the local level. However one conceptualizes the larger framework of immigration issues, what remains clear is that the enforcement of immigration laws cannot be delegated to localities without considering the history of race relations associated with place. While the 287(g) program is currently in eclipse first due to the emergence of Secure Communities, and its current reiteration in the form of the Priority Enforcement Program, this chapter examines how it operated in a part of the nation that has recently seen strong increases in Latino immigration.

Devolution of Immigration Authority to the States: Section 287(g) of the Immigration and Nationality Act

Until 1996, there was little debate about the exclusive authority of the federal government to regulate the admission, exclusion, and removal of noncitizens. It is true that localities have always claimed legal authority to indirectly regulate the lives of immigrants, for example, through land-use control laws and other regulatory schemes impacting neighborhood zoning and schools that may function as a type of second-order immigration regulatory mechanism (Su 2010). However, the principle of federal exclusivity in immigration matters has been made more complicated by a dramatic upsurge of state and local initiatives relating to the costs of membership and other local concerns.

As a result of a notable increase in efforts to affect immigration policy at the local level, scholars as well as courts have had to address with some urgency the question of

Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1357(g), §287(g) of the Immigration and Nationality Act.

allocation of authority to regulate immigration-related matters between federal, state, and local branches of government.² Some argue that the constitutionality of local efforts that affect the lives of immigrants may be resolved by assuring that such laws reinforce, or are consistent with, federal law (Schuck 2009). Most legal scholars have agreed that the states have concurrent authority to regulate matters that affect immigration within the traditional domains of state power (public safety, health, and welfare) while immigration issues pertaining to foreign policy and national identity remain within the province of the federal government (Motomura 1997; Stumpf 2008).

Although these categories have not always been easy to discern, prior to 1996, a clear division existed between the enforcement of civil immigration laws and the enforcement of criminal immigration laws. Federal authorities had exclusive jurisdiction to regulate civil immigration laws, which included offenses such as unlawful presence, working without proper employment authorization, and visa-overstays. Federal, state, and local authorities had concurrent jurisdiction over the enforcement of criminal immigration laws, such as human trafficking, the harboring of undocumented aliens, and the reentry of aliens previously deported or excluded.

However, in 1996, Congress for the first time shifted the power to exclude immigrants from the USA from the exclusive control of the federal government to a shared arrangement with states and local governments. An amendment to the Immigration and Nationality Act (INA) known as section 287(g) authorized the US Immigration and Customs Enforcement (ICE) to enter into agreements known as Memoranda of Agreement (MOA) with local law enforcement agencies that choose to enter into immigration enforcement activities.³ Pursuant to the statute, local law enforcement officers may be deputized to act as immigration officials in the course of their daily activities and implement certain immigration laws—powers that were previously off-limits to local and state police. The MOAs require cooperating local and state law enforcement officers to complete several weeks of training by ICE officers after which they are authorized to detect, detain, and deport undocumented persons in their jurisdiction. To carry out the latter, they received direct access to ICE databases and had the same authority as ICE agents to process for removal those immigrants who are believed to be unlawfully in the USA. Officers were authorized to initiate removal (often referred to as deportation) proceedings by issuing notices to appear in immigration court and transport individuals served with these notices to immigration detention facilities for further proceedings (US Government Accountability Office 2009). With the enactment of 287(g), the lines of immigration enforcement authority were blurred, enabling local law enforcement officers to enforce civil immigration law for the first time in history.

The purposes for which the 287(g) program was enacted have been subject to debate. According to ICE, the program was intended to target and remove undocumented immigrants convicted of “violent crimes, human smuggling, gang/organized crime activity, sexual-related offenses, narcotics smuggling and money laundering” (US Immigration and Customs Enforcement n.d.). In September 2008, the report accompanying the 2009 Department of Homeland Security (DHS)

² See for example, *Lozano v. City of Hazelton*, 496F. Supp. 2d 477 (M.D. Pa. 2007).

³ *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, *supra* note 1.

Appropriations Bill expressed its intention that ICE prioritize the removal of criminal vs. non-criminal aliens. At the national level, Senator Elizabeth Dole's reelection campaign advertisement in 2008 touted 287(g) as a program designed to deport "the ones who are tough, hardened criminals" (Christensen 2008). The US Government Accountability Report on 287(g) released in January 2009 found that although local 287(g) programs are not prohibited from seeking the assistance of ICE for aliens arrested for minor offenses, detention space is routinely very limited and it is important for ICE to use these and other 287(g) resources in a manner that will most effectively achieve the objective of the programs to process for removal those aliens who pose the greatest threat to public safety (12).

In an effort to emphasize its enforcement priorities, in July 2009, Department of Homeland Security Secretary Janet Napolitano announced changes to the program for the purpose of directing local 287(g) partners to focus on "dangerous criminal aliens" in their enforcement efforts (US Department of Homeland Security 2009). Since 2009, the DHS has issued addition memoranda that established written guidance for civil immigration enforcement priorities related to the apprehension, detention, and removal of aliens which ranked categories of immigrants to be targeted for removal and urged prosecutorial discretion so that ICE resources would be allocated in accordance with such priorities. Notwithstanding efforts to create a uniform implementation policy that emphasizes the detection and removal of hardened and dangerous criminals, the implementation of the 287(g) program has been mediated according to differing local concerns and, as demonstrated below, has been used to target Latina/os for minor traffic offenses and low-level misdemeanors.

The 287(g) Program in the South: The Relationship between Shifting Demographics and Immigration Devolution

The 287(g) program constitutes a considerable departure from immigration enforcement practices. Not surprisingly, it has been received with apprehension and criticism by immigrant advocates. But it has also raised concerns with local law enforcement agencies. Although 287(g) vests local police with increased power and authority, some law enforcement agencies have rejected the program for a number of reasons. Police associations have noted that the program interferes with traditional police functions and erodes the trust between law enforcement and communities critical to effective law enforcement practices. The International Association of Chiefs of Police, the trade association representing Police Chiefs in Washington, D.C., through its official publications, has identified the ways in which the program is harmful to the mission of local law enforcement:

There are a number of compelling reasons why local law enforcement executives should resist the temptation to make state and local police agencies the frontline enforcers of federal immigration laws. These reasons take into account the primary responsibility of local law enforcement, which is to fight crime at the local level. They also reflect the reality that immigrants both legal and undocumented have become a large part of our communities (Ferrell 2004).

Similarly, in April 2009, the Police Foundation, a national, nonpartisan, non-profit organization established in 1970 to support innovation and improvement in policing, issued a report that opposed the role of local police in federal immigration enforcement matters.⁴

The program has also received critical attention because it has taken hold disproportionately in the South. Indeed, notwithstanding the cautionary views by national police agencies, law enforcement agencies in the South signed more Memoranda of Agreement with the DHS and ICE than any other region in the country. In 2010, when local interests in 287(g) was at its peak, southern states accounted for at least 45 of the 70 agreements nationwide (US Immigration and Customs Enforcement 2010). In 2015, southern states account for 25 of the 32 agreements (US Immigration and Customs Enforcement 2015).

It is noteworthy that many of these agreements have been enacted in localities in the South, particularly because these federal-local transactions coincide with historic demographic shifts that have occurred in the region during the last two decades. Immigrants from Latin America in record numbers have chosen the region as a new and favored destination. Immigration flows have changed course from traditional gateway locations in the Southwest, New Jersey, and New York, as well as “access states” such as Texas and Florida, to “opportunity states,” particularly North Carolina, Georgia, Tennessee, and Arkansas (Bankston 2007; Johnson 2007; Pruitt 2009). The rising need for cheap labor in the South’s new industries such as agribusinesses, meat processing, and construction, as well as employment opportunities created by industries that had previously relocated to the region to take advantage of its low-wage labor market, provided much of the stimulus for resettlement patterns. The transformation has been profound. That such demographic changes have been accompanied by the devolution of immigration enforcement has elicited concerns about the role of race and place (Winders 2005; Varsanyi 2008).

The 287(g) program is designed specifically to remove certain undocumented immigrants. However, it has created fear and tension not only among those individuals whose status in the USA is unauthorized, but also among the immigrant and Latino community generally. Before describing the way in which the 287(g) program has had detrimental consequences to these communities, it is first necessary to consider how the dynamics of place bear on the experiences of immigrants (Winders 2005).

The Immigration Experience: Mediated through the Local-South

Because race has been critical in the formation of the local politics and social practices in the South, racism occupies a place of concern as Latino migration takes hold in the region. Newcomers are disadvantaged by the South’s preference for a

⁴Anita Khashu, *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*, Report of the Police Foundation, April 2009, at Appendix A, Focus Group Summary p. 46.

common culture and a cultural construction of daily life as local concerns mediated through long-term personal relationships tied to place (Jansson 2007; Citrin and Wright 2009). But it is the convergence of growing numbers of Latinos in the South, and the fact that the region has “historically operated as a space of exceptionalism within a national framework” in problematic ways related to race, that has underscored the importance of documenting the conditions experienced by Latinos who settle in Southern states (Winders 2005; Su 2008; Pruitt 2009).

The problematic reception accorded to new immigrants is not confined to the South, of course. Incidents of nativist hostility have been reported almost everywhere in the USA. Nor is this to suggest that the South is monolithic in its attitudes and practices. There is a need to avoid the phenomenon of “internal orientalism” that burdens the South (Jansson 2007). But many new immigrants in the South, whether documented or unauthorized, experience discrimination. Over two-thirds of Latinos who live in the South reported that they have suffered racism, including incidents of physical abuse and threats of violence (Bauer 2009).

It is noteworthy that the Southern Poverty Law Center (SPLC), an organization founded in 1971 to defend formal civil rights and challenge racist practices committed largely against African-Americans by white supremacists, recently turned its attention to the day-to-day circumstances for Latinos living in the South. In its 2009 study, *Under Siege: Life for Low-Income Latinos Living in the South*, the SPLC found that “Like African Americans during the height of Jim Crow, many Latina/os in the South live in constant fear of being unfairly targeted by the police as they go about their daily lives” (Bauer 2009). Forty-seven percent of the study’s respondents reported knowing someone who had been treated unfairly by the police.

Reports of repeated police roadblocks in predominately Latino communities were not uncommon. Most Southern states and localities do not require the collection of racial profiling data which might expose and prevent racial profiling practices that can occur at license checkpoints and random police traffic stops (Bauer 2009). However, where such data is available, it demonstrates disproportionate law enforcement actions that target Latinos such as seizing and impounding vehicles as a result of roadblocks (Bauer 2009). In Nashville, for example, sheriff’s statistics reveal that 80 % of immigrants deported in 2007–2008 were arrested for minor traffic offenses or misdemeanors (Fotopulos 2008).

In addition, the SPLC found that more than one-half of the Latino respondents noted problems with racism and discrimination when looking for housing. Approximately three-quarters of respondents offered the same opinion with regard to discrimination on the job. Moreover, although there may be concerns about tensions between African-American and Latino communities, as one community leader noted, “For the most part, anti-immigrant sentiment is coming from the mostly white powers that be.”⁵

⁵ *Immigration’s New Battlefield, Advocates Cite Rising Fear as Police Become Immigration Law Enforcers, Southern States*, July 17, 2007 (quoting David Stewart, Executive Director, International House of Metrolina, Charlotte, N.C.) available at http://news.newamericamedia.org/news/view_article.html?article_id=b2d00dcf68061446b673f55963acf6a8

Immigration Devolution and North Carolina's Rapid Immigrant Growth

Of all the states in the South that have demonstrated an interest in expanding local immigration enforcement powers, North Carolina was in the forefront of the devolution initiative. By October 2009, except for Virginia, North Carolina localities had entered into more MOAs than any other state (US Immigration and Customs Enforcement 2010). Like the rest of the South that has demonstrated a keen interest in the 287(g) program, North Carolina has experienced a rapid shift in demographics. Beginning in the 1990s, North Carolina has had one of the fastest growing foreign-born populations in the country. According to the US Census Bureau, North Carolina's foreign-born population increased from 1.7 % in 1990 to 5.3 % in 2000, to 7 % in 2007. Immigrants from Latin America make up the majority of the foreign-born residents, of which Mexicans comprise approximately 75 %. The influx of immigrants to the state prompted one scholar to note that "Not since the days of British rule has such a large portion of North Carolina's population originated overseas."⁶

The labor market and employer recruitment have been the principal factors influencing immigration patterns to North Carolina. Immigrants were initially eagerly recruited as workers by employers in agriculture and manufacturing. The numbers of migrant farm workers has doubled in size over the last 20 years (North Carolina Farmworker Institute 2007). Textile employers worked with local employment security commissions to recruit immigrant workers (Gill 2010). For example, Latinos who settled in Alamance County, which experienced one of the fastest growing Latino populations in the state, played a critical role in the community's economy. Immigrants provided cheap labor for small farms and sustained the textile and furniture industry (Gill 2010).

A number of state institutions and entities adapted to accommodate the changing population. In 1995, a group comprised of representatives from 27 state agencies created the North Carolina Bilingual Resource Group and an Interpreter Task Force to assist public and private nonprofit organizations that furnish critically needed health and social services to Latino newcomers (Weissman 2000). The North Carolina Association of Local Health Care Directors urged local public health agencies to provide interpreters free-of-charge to non-English-speaking individuals seeking access to public health services. In 1998, Governor James B. Hunt, Jr. created the Office of Hispanic/Latino Affairs and the North Carolina Governor's Advisory Council on Hispanic/Latino Affairs to "coordinate and develop state and local programs" and to "bring attention to issues affecting the Hispanic population in North Carolina" (1999). Two years later, 24 state officials and community leaders took a "fact-finding" trip to Mexico to educate themselves about the culture and

⁶Richard Stradling, "International Flavor of North Carolina's Triangle Area Intensifies," *News & Observer* (Raleigh, N.C.), September 3, 2003, at 4B (quoting Alfred Stuart, a retired geography professor at UNC-Charlotte).

experiences of the newcomers (Glascok 2000). School districts experimented with strategies aimed at teaching Spanish-speaking students. A credit union was formed to serve the banking needs of the Latino community and assist with its goals to become financially secure and independent (Latino Community Credit Union n.d.).

Newcomers in the state can establish deep ties to their new communities. As of 2007, almost one-third of the North Carolina immigrant population obtained US citizenship through naturalization (Immigration Policy Center 2009). Latino students comprised 57 % of the increase in public school enrollment in the state (Kasarda and Johnson 2006). The immigrant population has contributed to the state's economy as consumers and taxpayers. One study found that the impact of spending by North Carolina Latinos even as far back as 2004 included 89,600 additional jobs, \$2.4 billion in additional labor income, \$455 million in extra state taxes, and \$661 million in extra federal taxes (Kasarda and Johnson 2006).

But it is also true that the pace of demographic change produced tensions. Latinos were welcomed early on as laborers who helped to maintain the competitiveness of textile industries and agriculture, although a different question is whether they were fully accepted as community members (Winders 2005). Early on, as the increased presence of Latinos expanded into all facets of daily life, suspicion and anxiety arose in North Carolina. A poll conducted by the University of North Carolina at Chapel Hill School of Journalism documented new anxiety and distrust of Latino newcomers (Johnson et al. 1999). The poll suggested that North Carolinians generally did not welcome the increasing numbers of Latinos migrating to the state and were concerned about the migration's effect on jobs, housing, education, and other goods and services. Approximately two-thirds of respondents indicated an unwillingness to welcome Latinos into their neighborhoods. Resentment towards those who have yet to obtain command of the English language was palpable (Weissman 2000).

Some North Carolina law enforcement law agencies have targeted Latinos through profiling. A study undertaken in 2002 reviewed trooper citation histories. The results of the study were admitted into evidence in a state criminal case to challenge racial profiling by a state trooper assigned to patrol in the Research-Triangle area. It revealed that 71 % of his citations were made against Latinos in an area where Latinos constituted 32 % of the total population.⁷ The state trooper, who admitted to patrolling a specific area "for the purpose of looking for Hispanic males," asserted that "Everyone knows that a Hispanic male buying liquor on a Friday or a Saturday night is probably already drunk."⁸

State troopers have been involved in other incidents where the specter of racial profiling of Latinos has been raised. In one instance, state troopers, together with sheriff's officers from Alamance County, detained a bus with Latino passengers for hours because they appeared foreign-looking (American Civil Liberties Union 2009). Furthermore, state and local law enforcement have set up roadblocks for the

⁷The study was introduced into evidence in *State v. Villeda*, 165 N.C. App. 431, 433–434, 599 S.E.2d 62, 64–65 (2004).

⁸*Ibid.*

purpose of checking licenses outside of Latino markets on the weekends, and on Sundays they have stationed themselves at roads that provide access to Latino churches (DeOrnellas 2008). Law enforcement officers have not only checked drivers but have also checked passengers for licenses, in each case for the purpose of determining immigration status (Nguyen and Gill 2010). Latinos have been wrongfully arrested, sometimes merely because of confusion caused by the inability to speak English proficiently. Once they are brought into the criminal justice system, Latinos have been subjected to longer stays in jail, even for minor traffic offenses, face higher bail fees, and are often denied fully trained certified court interpreters (Weissman 2000).

Immigrants have suffered rights violations in realms other than criminal law enforcement. The North Carolina Department of Labor as well as the National Council on Occupational Safety and Health have documented a significant rise in fatal occupational injuries to Latino workers assigned to hazardous jobs, made more dangerous by language barriers.⁹ Safety conditions and wage-and-hour violations have been ongoing concerns, and wrongful denial of worker's compensation is widespread among Latina/o farm laborers, construction workers, and textile employees (Howe 1999).

In the housing sector in North Carolina, Latinos often faced exorbitant rents and uninhabitable living conditions as a result of discrimination by landlords (Brown-Graham 1999, Bauer 2009). Despite the general protection of the US and North Carolina Constitutions against discrimination, as well as the protection afforded by specific state statutes and municipal ordinances prohibiting discrimination in housing, Latinos were the fastest-growing target of discrimination in the housing market (Brown-Graham 1999).

Some North Carolina communities have sought to curtail the influx of immigrants while encouraging existing residents to leave. This has been expressed through a range of proposed ordinances—albeit oftentimes unsuccessfully—that would create hardships in most aspects of the day-to-day lives of immigrants, including employment, housing, higher education, health care, and identification documents. North Carolina has not been the only state to become involved in the business of regulating immigration, to be sure, but it has been one of the most active (Nguyen 2007). In 2015, the North Carolina legislature enacted a new state law that restricts the types of identification that state and local government agencies can accept, making it much for difficult for many immigrants to be able to put their names on marriage certificates, for mothers or father to sign their child's birth certificate, and specifically prohibits so-called sanctuary cities.¹⁰ These state and local initiatives work in tandem with federal immigration laws.

⁹See Joanne Scharer, "How Well is it Working?" *News & Observer* (Raleigh, N.C.), August 15, 1999, 21A (reporting that inexperienced Latino workers are especially at risk of fatal occupational injuries due to the language barrier and the prevalence of Latinos in high risk jobs); Tom O'Connor, et al., *North Carolina: Dying for Job, A Report on North Carolina Worker Fatalities in 2013* (available at <http://www.coshnetwork.org/sites/default/files/NC%20Workers%20Dying%20for%20a%20Job%202013-%20Final.pdf>).

¹⁰HB 318, at <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?BillID=H318&Session=2015>.

Immigration Enforcement in North Carolina

Law enforcement agencies in North Carolina began their involvement with the 287(g) program in 2006 and actively pursued local immigration enforcement powers through agreements with the federal government. Soon thereafter, nine agencies signed on, with dozens more applying for approval (US Immigration and Customs Enforcement 2007). In addition to various Memoranda of Agreements, in 2007 North Carolina enacted N.C. Gen. Stat. §162-62, requiring county and local jail officials to verify the immigration status of persons who are detained on felony or impaired driving charges. Furthermore, the North Carolina State legislature appropriated funds for the expansion of 287(g) to other counties and funded the North Carolina Sheriffs' Association (NCSA) Illegal Immigration Project for technical assistance and training associated with local immigration enforcement.

In addition to the 287(g) program, in March 2008, North Carolina was one of the first of two states (along with Texas) to join what was then a new federal-state immigration enforcement program known as "Secure Communities." The program required jail officials to check all arrestees' fingerprints against DHS databases, rather than just against FBI criminal databases. ICE was then notified if the fingerprints match those in the DHS system to further scrutinize the individual's immigrant status and to take "appropriate action."¹¹ The program which has since been replaced by a similar program known as the Priority Enforcement Program (PEP), applied to all immigrants regardless of whether their arrest was based on pretextual stops and racial profiling, or whether they are innocent of the crime for which they were arrested.¹²

Concerns about the relationship between the 287(g) program and race motivated the University of North Carolina School of Law's Immigration and Human Rights clinic together with the ACLU of North Carolina Legal Foundation to undertake a review of the implementation of the program (Bandy et al. 2009). The report made a number of findings about the effect of 287(g) and argued that the program encourages, or at the very least tolerates, racial profiling and stereotyping of Latinos, resulting in the harassment of citizens and isolation of the Latino community.

The study also determined that in response to growing fear of police, immigrants often refrain from reporting crimes, thereby compromising the public safety of citizens and noncitizens alike. Furthermore, some neighborhoods suffered economic dislocation, particularly in already struggling towns as immigrants were forced to flee communities, causing a loss of profits for local businesses and a decrease in tax revenues. Most importantly, the program diminished legal protections and infringed

¹¹ See *More Questions Than Answers About the Secure Communities Program* (March 2009) <http://www.nilc.org/immlawpolicy/LocalLaw/secure-communities-2009-03-23.pdf>. The program had recently expanded to 20 counties across the country. See James C. McKinley, Jr. "Debate Intensifies Over Deportation Policy," *New York Times*, July 26, 2009, A13.

¹² US Immigration and Customs Enforcement, Priority Enforcement Program, available at <https://www.ice.gov/pep>.

upon the civil rights of all residents, including citizens, some of whom have been wrongly detained and subject to deportation efforts.¹³

Hannah Gill's interviews with Latino residents in Alamance County provide a picture of the fear they have experienced since the advent of 287(g). She describes one business owner as explaining, "It doesn't matter what you are doing in the car, you could be pulled just because you are *hispano*" (Gill 2010). Immigrant crime victims were fearful of contacting the police, and were thus more vulnerable to criminals who target them. Few places were perceived to be safe; Latino immigrants had been arrested for fishing without a license and while working in a public library after local law enforcement reportedly probed health department records in an effort to find undocumented immigrants (Ahearn 2008). Surveys of Latinos in North Carolina demonstrated that people feared leaving their house for fear of deportation (Torres et al. 2006).

The controversy about the program resurrected concerns about a number of North Carolina's 287(g) counties, whose particular historical social characteristics have reflected racial intolerance. Historians have described Gaston County's deeply entrenched history of racism and the relegation of African-Americans to the most menial jobs even in times of labor shortages (Salmond 1995). Durham County endures a legacy of racial intolerance, manifested for example, by violence and the burning of a school in efforts to prevent school desegregation (Davidson 1996). Alamance County long had an active Ku Klux Klan presence (Lukas 1970).

African-American voter suppression efforts in North Carolina have both a long history that survives in current practices that are directed at immigrants (Earls et al. 2008). As one study of voting rights in North Carolina during the period of 1982 through 2006 reported, "African American voters are no longer the only minority group to be targeted for intimidation campaigns" as new scare tactics have been directed at Latinos (Earls et al. 2008, 590). Before the 2004 presidential election, Sheriff Johnson of Alamance County threatened to go door-to-door to investigate registered voters with Hispanic last names (Collins 2007). Andrea Bazan-Mason, then the executive director of a North Carolina Latino Advocacy group, El Pueblo, noted that efforts to scare Latinos from casting their votes was not new and added, "It's a message that some people have told me to my face. It's OK if you're here and work in our restaurants, but just don't get involved in politics" (Elliston 2004).

In some North Carolina communities, local elected officials, including those who have signed or supported 287(g) agreements, have publicly expressing viewpoints that denigrated immigrants. For instance, in an effort to justify decisions to sign on to the 287(g) program, some officials have attempted to link the Latino presence with growing crime rates (Collins 2007). For example, in an interview with the Raleigh News & Observer, Alamance County Sheriff Terry Johnson complained about the newly arriving undocumented Latinos, claiming that they were more likely to commit crimes than other residents in the area. Johnson also stated that

¹³ See, for instance, Kristen Collins, "U.S. Ignored Evidence When It Deported U.S. Citizen to Mexico," *Charlotte Observer*, August 30, 2009. <http://www.charlotteobserver.com/local/story/917007.html>

“Their values are a lot different—their morals—than what we have here... In Mexico, there’s nothing wrong with having sex with a 12-, 13-year-old girl” and “They do a lot of drinking down in Mexico” (quoted in Collins 2007).

North Carolina court statistics, however, contradict such claims.¹⁴ National and state studies also indicate that the incidence of criminal activity by foreign-born residents is actually lower than that of natural-born citizens (Rumbaut and Ewing 2007). In fact, incarceration rates among young men have been lowest for immigrants over the past three decades. As the undocumented immigrant population has doubled its size since 1994, the violent crime rate in the USA has declined 34 % and property crime has fallen 26 % (Rumbaut and Ewing 2007). A similar comprehensive study of population growth and crime between 1997 and 2006 in all counties in North Carolina demonstrates that the counties with the highest Latino population growth rate have the lowest violent and property crime rates (Haddix 2008). The same study showed a positive correlation between total population growth and increased crime rates. A second study reported the similar results: from 1993 to 2006, 287(g) counties had either stable or declining rates of violent crime (Nguyen and Gill 2010). In other words, communities with high growth rates find increased crime rates, but counties with high growth rates of Latino populations find decreased or steady crime rates.

Moreover, data reveal that the majority of undocumented immigrants caught in the snare of 287(g) in North Carolina have been charged with traffic infractions and low level misdemeanors (Nguyen and Gill 2010). For example, during the month of May 2008, 83 % of the immigrants arrested by Gaston County ICE authorized officers pursuant to the 287(g) program were charged with traffic violations (American Civil Liberties Union of North Carolina 2008). In Alamance County, according to one study, approximately 70 % of immigrants detained through 287(g) were arrested on routine traffic offenses; another 16 % for driving while impaired charges, and only 15 % for felony charges (Smith 2008). In Wake County, in October 2009, 84 % of those processed for deportation under 287(g) were charged with misdemeanors (Collins 2009).

Standards for methods of collecting data and reporting information and outcomes are haphazard and irregular (US Government Accountability Office 2009, 10). The lack of oversight and accountability for failure to provide accurate report arrest data cannot but raise suspicions. In 2009, Alamance County underreported the number of Latinos stopped and ticketed; had it not been for a study by an Elon College scholar, the misinformation might have never been revealed (Boyer 2009).

In addition to the three studies that document the problems of 287(g) in North Carolina (Bandy et al. 2009; Haddix 2008; Nguyen and Gill 2010), other academic, governmental, and nongovernmental sectors found troubling issues with the implementation of the program generally (Shahani and Greene 2009; United States

¹⁴Collins (2007), noting that according to the Administrative Office of the Courts records, between 2002 and 2006, Hispanics accounted for 12 % of Alamance County’s criminal cases. In 2005, they made up 10 % of the county’s population. See also Nguyen and Gill (2010).

Government Accountability Office 2009). The Police Foundation expressed a particular concern that that racial tension and racial dynamics have been influential factors in local law enforcement agencies' decisions as to whether and how to undertake 287(g) programs (Khashu 2009). The 287(g) arrest data, coupled with the statistical anomaly that reveals the disproportionately high numbers of localities in the South and in North Carolina that have entered into 287(g), raise concerns that matters of race and regional and local political culture—not crime—are the key motivating factors for some localities to adopt the program (Shahani and Greene 2009). As one immigrant advocate recently claimed, “frame it any way you want, but the success of segregation in the South relied on the same methodologies used by [Alamance County Sheriff] Johnson and his deputies backed by a community looking for someone to scapegoat” (O’Neill 2009).

In July 2009, DHS announced changes to the program’s operation. In its press release, DHS said that new programmatic criteria would be implemented for the purposes of “improving public safety by removing criminal aliens who are a threat to local communities and providing uniform policies for partner state and local immigration enforcement efforts throughout the United States”(US Department of Homeland Security 2009). Additional press comments by DHS officials suggested that the changes would serve to reform the discriminatory practices of local police agencies. In fact, in 2012, the Department of Justice filed a law suit against the Alamance County Sheriff’s department alleging that the Sheriff and his office had engaged in discriminatory practices in violation of the Fourth and Fourteenth Amendments, including targeting Latino residents for investigation, traffic stops, arrests, seizures, and other enforcement actions. While the case is pending on appeal, USCIS terminated its 287(g) agreement with Alamance County. However, civil rights and immigration advocacy groups who have closely studied the announced program reforms and amendments to the Memorandum of Agreements continue to express concerns that the program still provides opportunities for racial profiling or otherwise address deep-seated racial hostility toward Latinos.

Conclusions

Would returning exclusive control of immigration enforcement to the federal government resolve the issues of race and place raised in this chapter? In regard to race and immigration enforcement, there are both historical and present-day concerns about the ability and willingness of both federal and local governments to fairly implement the law. Federal immigration laws and the policies and practices of citizenship have long been related to issues of race, national origin, and ethnicity. Many Mexicans, American Indians, Native Hawaiians, and Africans were incorporated into the population through conquest, occupation, annexation, and the slave trade only to be relegated to the margins of society and afforded a lesser form of citizenship (Spickard 2007). Throughout the late 1880s through the mid-1920s, federal courts excluded Chinese and Japanese immigrants from citizenship on the basis of

race. Indeed, in the earliest of US Supreme Court's decisions in which it declared that the exclusive authority to regulate immigration was vested in the federal government, the Court upheld the exclusion of a Chinese national on the basis of race (*Chae Chan Ping v. United States* 1889).

The federal quota system enacted in 1921 and 1924 was designed as a formulaic device to ensure stability in the ethnic composition of the USA as it existed in the 1890s, when the population principally originated in Northern and Western Europe. It was not until the 1950s and 1960s that racial and national-origin exclusions and quotas were formally eliminated. However, US immigration statutes still sought to limit immigration from the Western Hemisphere. Moreover, immigration laws became increasingly punitive over time, and the power to exclude has been exercised disproportionately against non-Europeans. Indeed, although thoughtful immigration scholars have long considered the Equal Protection powers embedded at the federal level to provide for a superior federal role in civil rights protections generally, recent debates about immigration enforcement have considered whether devolution to the local could result in positive outcomes for immigrants, including local safe havens for the undocumented and opportunities for community-driven progressive policies (Olivas 1994, 2007; Motomura 1994). Thus, the result of the devolution of immigration authority may vary according to the specific locale. North Carolina is not California.

However one conceptualizes the larger framework of immigration issues, what remains clear is that 287(g) is not a program that can be delegated to local law enforcement without consideration of the dynamic of place and its history of race relations. As geographers Richard Wright and Mark Ellis both begin and conclude their study of race and regional politics of immigration, "Where immigrants live matters" (Wright and Ellis 2000, 197, 206). Events in the first decade of the new century with regard to 287(g) and the treatment of Latinos in the South are additional reminders that race continues to matter in the region.

Debates regarding the boundaries between federal and local laws continue to remain relevant. At the same time, those who are concerned about the protection of rights and matters of decency and fairness for all must remain keenly attuned to the ways that regional and racialized politics shape the lives and experiences of the growing immigrant communities in the South. The 287(g) program may have been used—once eclipsed by Secure Communities now replaced by the Priority Enforcement Program—to allow localities to assist in the implementation of federal laws, but it also allowed localities to shape its relationship with immigrants to conform to historic and place-based racial hierarchies.

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Chapter 7

Se Batalla Mucho: Border Enforcement and the Story of Hilda and Julián

David Spener

Abstract This chapter relates the migratory experiences of Hilda and Julián, a young married couple from a small village in the rural northwestern section of the state of Guanajuato. Julián made his first trip to the USA in 1994, at the age of 21, just as he and Hilda were beginning their romance. He went back and forth between Guanajuato and Dallas, Texas for the next couple of years before returning to marry Hilda at the end of 1996. They returned to Dallas together to live and work early in 1997. Although their first border-crossing together went relatively smoothly, when they attempted to return with their baby daughter after a visit home at the beginning of 2000, they suffered tremendously. Hilda and Julián's second sojourn in Dallas was marked by a series of economic and emotional setbacks that led them to question whether it made sense for them to remain together in Dallas, especially since it was nearly impossible for Hilda to work after having two more children there. Finally, in mid-2003 they decided it would be best for Hilda to return to Guanajuato with their children. Even though it was getting more difficult and dangerous every year, Julián continued to go back and forth across the border to work. The suffering experienced by the couple in their migratory experiences is analyzed in terms of Galtung's concepts of structural and cultural violence.

Introduction

The hiring by migrants of guides and bureaucratic “fixers” to help them enter the USA to live and work—a practice called *coyotaje* in Spanish—has been common on the Mexico–USA border since the early twentieth century. In this chapter I discuss the clandestine-migration experiences of a couple from rural northwest Guanajuato over a 10-year period, beginning with the husband's first trip to the USA in 1994. During this period, the USA greatly intensified its policing of clandestine entry of its territory from Mexico and of clandestine work arrangements in

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migrants' destination city's in the interior of the country. Intensified policing of the border and work arrangements negatively impacted the lives of these migrants and their children in a number of ways, but did not deter them from using coyotaje as a strategy for pursuing waged-labor opportunities in the USA. As border-crossing became more difficult, these migrants were forced to take greater risks, had to endure more intense physical and emotional suffering, and paid greater sums of money to their coyotes to evade the obstacles placed in their paths by US authorities.

As a number of authors, myself included, have argued, US border enforcement practices increasingly police the movements of the non-white poor from Latin America, restrict their ability to exercise basic labor and social rights, and subject them to conditions of super-exploitation by capital based on their lack of legal status in the USA (Bacon 2007, 2009; Nevins 2008, 2010; Spener 2008a, 2009a, b). Although US government officials and the reporters in the for-profit press that serve as their principal stenographers typically identify coyotes, whom they call *smugglers* or *traffickers*, as being the main agents of violence inflicted upon undocumented migrants, my own research on clandestine border-crossing by Mexicans from the late 1990s through early 2006 suggests that the most pervasive violence suffered by migrants owes to border enforcement itself and the ideology that justifies it. Rather than consisting of overt acts taken by one individual actor or set of actors against another individual or set of individuals, this state violence principally takes the indirect forms denoted by Galtung (1969, 1990) as *structural* and *cultural* violence.

For Galtung (1969, 170–171), *structural violence* refers to situations in which no individual perpetrator commits a discrete act, but rather the organization of society is such that “violence is built into the structure and shows up as unequal power and consequently unequal life chances.” *Cultural violence*, on the other hand, refers to “those aspects of culture—the symbolic sphere of our existence—exemplified by religion and ideology, language and art, empirical science and formal science ... that can be used to justify or legitimize direct or structural violence” (Galtung 1990, 291). In the case of the border controls imposed at the Mexico–USA border, structural violence involves the militarized segmentation of the North American labor market in such a way that guarantees Mexican workers lower wages, fewer protections against the abuses of employers, and inferior conditions of health and welfare than their US citizen counterparts. Cultural violence here takes the form of ideologies of national sovereignty that include the firm belief that it is right and just to restrict the access of aliens to sovereign territory and that it is permissible to subject “aliens” to treatment and conditions that would be morally repugnant if applied to citizens.

In the social sciences, it is all too often the case that phenomena are discussed and measured in logical, abstract, and impersonal terms. In this chapter I take a different approach by relating the migratory experiences of a single family in considerable detail and to a large extent in their own words. I do so in an attempt to humanize and bring “down to earth” the abstract concepts outlined above. Rather than alternate throughout the text between analysis and presentation of “evidence,” I tell the story of the trials and tribulations suffered by this couple in a straightfor-

ward and uninterrupted way in order to give readers as realistic a sense of their lived experiences of migration as possible. I focus on the story of the flesh-and-blood protagonists of this life-and-death drama as they told it to me. And instead of offering formal conclusions at the end of the chapter, I offer some of the husband's reflections about the decade he spent as an undocumented border-crosser that speak to the impact that US immigration policies have had on his life.

The Story of Hilda and Julián

I first met Hilda in the spring of 2005 in Rancho San Nicolás, her hometown in rural northwest Guanajuato. She lived in a small cement-block house with her three young children on the same plot of land where the families of her husband Julián's brothers and mother had their houses. I had been introduced to Hilda by her *cuñado* [brother-in-law] José and his wife María, who lived next door. Hilda's husband, Julián, José's brother, was working in Dallas when I first interviewed her.¹ I would not get a chance to talk with him until the following January, after he had returned for the Christmas holidays to see her and their son and two daughters. Both Hilda and Julián had been born in Rancho San Nicolás in 1973 and had been raised there, although Julián had lived for a couple of years as a child near Mexico City (Distrito Federal, or DF) in the state of Mexico. Their respective parents were also from Rancho San Nicolás and were *campesinos*, growing corn, chilies, and beans and raising some cows and goats.

Hilda's father had gone to work in the USA for a number of years, but that had been a long time ago. Since returning to Mexico, he had worked selling *paletas* [popsicles] from the back of his pick up truck in San Nicolás and the surrounding ranchos. Hilda worked with him selling paletas from the time she was 7 years old until she went to the USA for the first time when she was 22. She completed primary school when she was about 15, and had helped her mother around the house and worked with her father after that. Hilda was one of nine siblings, five brothers and four sisters. Everyone lived in Mexico and she was the only one who had ever migrated to the USA. All of them except her oldest sister, who lived in León, the state's largest city, lived in Rancho San Nicolás. Julián was one of ten siblings, eight brothers and two sisters. His father had died when he was young and all but one of his brothers had lived and worked in the USA at one time or another. Like Hilda, Julián had only completed primary school, dropping out when he was 14 or 15, after attending intermittently from the age of 10. Upon dropping out of school, he went to work in the fields and tending goats, as well as doing short stints as a construction worker in León, biding his time until he would go to the USA like most young men from the rancho did. He would have to wait until he was 21 and his older brother, who had been living and working in the Dallas area, would pay for a coyote to take

¹The names of Hilda and Julián, their town, and other people discussed in this paper are all pseudonyms.

him north. Julián and Hilda had met in school but did not become romantically involved until shortly before he headed north for the first time in 1994.

Julián's First Trip North

Julián had been able to go to school as long as he did because of the money his older brother Humberto had been sending home from Dallas, Texas, where he had been working. As soon as he quit school, Julián began to think about heading to the USA. A lot of his friends were going, as it was common for young men from the age of 16 on to head north for the first time:

I was working at home and in the fields but I caught the bug [*me entró la espinita*] since other guys my age were talking about going to *el otro lado* [the other side of the border, or the United States]. My older brother was sending money, but it was only enough for food. He didn't send it for us to spend on just anything we wanted. As you get older you want to buy things, like nicer clothes, new pants and shoes, but you can't afford it. You see other people coming back with nice clothes and all and so I decided to go, too.

Julián had to bide his time, however, since he didn't have anyone willing to pay for his trip north. He didn't have any money of his own, not even enough to get to the border, much less to get across it and travel into the US interior. It had been years since his older brother Humberto had been back to San Nicolás. In Humberto's mind, Julián was still just a youngster, hardly ready to head north:

In order to be able to go you need to have people who will help you. My brother was up there. He was there for around six years without coming back. And when a person goes up there he thinks that the people back here don't grow. So I would say to my mother, "Listen, tell my brother to help me." Then when he finally came back, I told him, "Listen, I want to go over there, too." By then he could see that I was pretty strong. He said he'd send for me as soon as I turned twenty-one. But he warned me that I would need to spend at least a year there, in order to pay all the costs, that it wouldn't work for me to go just for a couple of months and want to go home.

So, finally, when Julián turned 21, Humberto agreed to set him up with a coyote to bring him to Dallas. Although Julián was beginning a relationship with Hilda by then, his main motivation for going was personal—providing for a wife and children was not yet on his mind. As it turned out, he was able to build himself the house in which his family now lived with the money he earned on that first 2-year sojourn in the USA.

My thinking at that time was to go and buy clothes and see what it was like up there. People said that it was real nice and all. And then, I'd see if I could make a bit of money to build a house back here. And thanks to God, I was able to save the money to build this house. And that's what I did in those two years.

In September 1994, Humberto took his younger brother to a coyote near San Nicolás that had been recommended by some friends who had crossed with him previously. They agreed that Humberto would pay the coyote \$500 when he got

Julián safely to Dallas.² Julián traveled with the coyote to Nuevo Laredo, Tamaulipas. There they stocked up on provisions for the hike they would make after crossing the river, which would take several days. They bought flour tortillas, which would not crumble and get moldy like corn tortillas would, as well as canned beans and tuna. They also bought gallon jugs of water for the trail. Then the coyote took him to some *pateros*.³ The *pateros* took Julián, his coyote and another dozen or so migrants across the river in a launch. From there they began their march through the South Texas brush to get around the immigration checkpoints on the highways that led away from the border. Although Julián's coyote said they would only walk for 3 days, it turned out to be 5, walking at night and resting during the day. Their food and water ran out on the third day, but they were able to refill their water jugs at *papalotes* [windmills with cattle troughs attached] they found along the trail. This water was not really fit for human consumption and could make you sick with diarrhea and vomiting, though this had never happened to Julián on this or other trips he had made. Julián said that, in his experiences, even "good" coyotes tended to lie a bit about how much walking their customers would have to do to get around the checkpoints:

I believe most of them lie. They know that if they say you will walk less they can charge you more, since people think it'll be easier than it really is. And once you're out there, there's no way you're going to turn back. That's why I think most of them lie.

Fortunately, it wasn't as hot as it could have been at that time of year, especially walking at night, and Julián was young and in pretty good shape.

On the fifth day, Julián and the other members of his group came to a small town—he thought it might be Carrizo Springs, but wasn't sure. The coyote told the group to wait for him in the brush while he went into town to pick up the car in which he would drive them to San Antonio. Because there were more than would fit in the car, he would make two trips. Fortunately, San Antonio was not too far away. The coyote drove Julián and several others to a house in San Antonio. From there he was driven on to Dallas, where he arrived in the middle of the night. He called his brother, who came to pick him up at the home of one of the coyote's collaborators. The brother arrived, paid the coyote his \$500 and took Julián home. He had made it.⁴

² Spener (2009) refers to this type of in-group coyotaje strategy, which involves traveling with community guides who had "graduated" from being migrants to being coyotes as *professional migration coyotaje*.

³ *Pateros* is the name given in Tamaulipas and South Texas to men and women who ferry undocumented migrants across the Río Bravo/Río Grande away from the international bridges that connect the two states. For more information on the origins of this term, see Spener (2009).

⁴ By the 1980s, coyotes and their migrant customers in Mexico had worked out a standard payment arrangement whereby migrants paid most or all of the fee for their transport upon arrival in their US destinations, relying upon migrants' friends and relatives already living in the USA to pay their coyotes. This arrangement was advantageous to migrants in several ways. First, it made it unnecessary for migrants to carry large amounts of cash with them that they could potentially be robbed of en route. Second, it gave coyotes a greater incentive to fulfill their obligations to the migrants they transported. And third, migrants were freed from having to finance their trips north from personal savings or by relying upon users in Mexico to borrow the funds needed to travel (Browning and Rodríguez 1985; Pérez 1991; Spener 2009)

Julián was understandably exhausted from the trip and rested for several days after arriving. He was anxious to start working and making some money, though, and his brother and some of his friends from Guanajuato helped him find work at a factory that formed sheet metal for a variety of uses. In order to work there, his brother bought him a fake state I.D. card and a Social Security card at a flea market. Julián was paid \$170 a week, working approximately 40 h. He lived with his brother and one of his older cousins, who had originally brought Humberto to Dallas and who was also Julián's *padrino* [godfather]. With this arrangement, Julián only had to pay 50 dollars room and board each week. Without such cheap food and housing Julián would not have been able to make a go of it in Dallas on his substandard wages. He didn't go out much and tried to limit his spending as much as possible. He was actually able to save a substantial amount of what he earned, especially at the beginning, though it seemed to get harder to restrain himself from spending on things he wanted the longer he was there. Two years went by quickly:

Honestly, the time went by fast. I really liked it there, although I had my girlfriend at home and we would write letters to each other. She would always ask me to come home and I wouldn't want to because I was happy there. A lot of people don't want to go home because they're out dancing and partying all the time, but I was never one of those people. I always just went back and forth between work and my house. On Sundays sometimes I'd go walking out to stores, since I still didn't know how to drive. I was scared at first because people would tell me that if I went walking around the black people would beat me up or the *migra* [immigration authorities] would catch me. But then you gain more confidence that nothing's going to happen to you. Even though I did hear that the *migra* was around, I was bored staying at home all day every Sunday. ... After two years I decided to go back because I wasn't able to stretch my money as far, I wasn't sending as much home to my mother, and I wasn't saving as much.

When Julián returned to San Nicolás at the end of 1995, he resumed his relationship with Hilda and set about building a house with the money he had saved. He knew how to build a cement block house from having worked construction in León a few years earlier and paid a friend to help him build it. It only took 3 months to build. Hilda moved in with him. But by then, he was out of money and needed to head back to Texas to earn some more. He left again in April 1996 with the same coyote who had taken him 2 years earlier. The logistics of the trip were similar—travel to Nuevo Laredo, cross the river, hike through the brush for several days to get around the immigration checkpoints, and then drive to Dallas. This time, however, they got picked up by the Border Patrol several days into their hike through the brush:

I don't remember very well, but I was with my brother and one of my cousins. I remember we were walking along some railroad tracks when we heard a bunch of dogs coming up behind us. The guy who was leading us said, "Here comes immigration," and we looked down the tracks and we could see some lights that were moving. And he said, "That's immigration coming. Run!" I remember it was around midnight and we started running. We kept running until we came to a barbed wire fence. We couldn't hear the dogs anymore. We crossed the fence and the guide said, "We'll stay here until dawn." It was like five or six in the morning. We were all real tired from running and we all just fell down on the ground to sleep. When I woke up I saw the immigration agents climbing over the fence. My brother was next to me and I said, "They've got us." They shined a flashlight on us and I remember they had their pistols in their hands. They said for no one to move. We were lying on the

ground and we sort of half sat up and were sitting there and they told us not to stand up. I remember this well because my brother was sort of squatting already and they said “We mean sitting on your butt.” Then one of them went over and pushed him so he sat back down. And that’s how they caught us and sent us back.

Julián and his companions did not finger their coyote to the Border Patrol agents who arrested them, even though the agents asked them which one was the coyote. Like other migrants I interviewed, Julián said that he and the other migrants had planned with the coyote ahead of time what they would do if they were caught:

Julián: The guide always tells you just before you cross the river, “If they catch us or anything, you just say that we’re all just friends. Don’t tell them who’s leading you.” And since everyone who leaves from here is thinking they’re going to need him again, they think that if they say he’s the one who’s bringing them he won’t want to take them again. That’s what they’ve always told me when I’ve gone.

Spener: So this is common and everyone agrees to it?

Julián: Right, everyone agrees. They say that sometimes immigration scares the kids who are going for the first time and they say who the guide is, but these cases are rare.

Spener: So normally they don’t get scared and they don’t identify the coyote. A lot of time in the newspaper the Border Patrol says that people don’t identify their coyote because their afraid of him. In your experience, has that been the case?

Julián: Well, in my case, if I identify him, we know each other and he lives near my ranch. I don’t know what might happen to me or my family. Any person from a town like mine wants to avoid trouble. I think to myself, well if I tell the immigration agent that he’s the one, then they’re going to pressure more to find out more about how I contracted him, where he lives and all that. And it’s just easier to say no, we’re all just friends.

Spener: But do you feel like telling immigration who it is when they catch you?

Julián: No, I never have.

Spener: So you weren’t mad at the coyote? You didn’t blame him?

Julián: It’s not his fault. I think that if I were a coyote I would really try to get people there because that’s how I’m going to make money. So they try to hide you and try to get you there because they make more money that way. If you don’t make it they don’t make any money and immigration isn’t going to give them any money for giving people to them. So, maybe it’s their fault but they do as much as they can so you don’t get caught.⁵

Back in Nuevo Laredo, Julián, his companions, and their coyote were all exhausted and their feet blistered from the days they’d spent walking before being caught. None of them felt up to another trek through the brush right away. They coyote suggested that they go back to Guanajuato to rest up before making another attempt to cross and they all agreed.

Julián could not stay long in San Nicolás. He was out of money and had no way to support himself. Moreover, his family needed his remittances to stay afloat and he was thinking about marrying Hilda, which also implied expenses. So, less than 2 months later he left for Texas again, this time with a different coyote from his area that had gained a reputation for success in getting through the Border Patrol’s

⁵Elsewhere (Spener 2009), I have discussed how, in dealing with the Border Patrol, migrants seldom identify their guides to agents that apprehend them not out of fear of reprisals from coyotes but rather because they regard the coyotes as being “on their side” vis-à-vis US government agents. We can view the motivations of migrants in such situations as an example of what Portes (1995) calls *bounded solidarity*.

defenses. The logistics were once more the same, but this time he and his companions did not get apprehended and he made it safely to Dallas. When he got there, he paid the coyote \$700, lent by his brother, and went back to work at the sheet metal factory.

Julián earned a bit more money working at the factory this time around. Instead of \$170, he started at \$5.50 an hour and soon was making \$6.00 an hour. Because he was on the official payroll, however, taxes were deducted from his paycheck. He lived at his padrino's house again and kept his expenses low. He decided to go back home to San Nicolás in December of 1996, though, because he and Hilda missed each other so much. His padrino encouraged him to go home and either stay there permanently or bring Hilda to live with him in the USA:

This cousin who is also my padrino tells me that I need to bring [Hilda] there to live with me. Her mother is saying that she's making herself sick, she misses me so much. She's worried about her. And I ask him how I'm going to do that. So we start looking into how I might bring her. I asked him to help me. Then he also decided to go home with me. I don't remember exactly what the deal was, if he was getting his papers or something, because everyone else in his family had gotten their papers but him. In any event we went back together in late December.

Hilda was in agreement to go with Julián to live in Dallas. She really wanted them to be together. "What I want is to be with you," she told him. "I'll go with you wherever you take me." They got a civil marriage certificate but did not get married in the church before they left. Julián's padrino contacted a friend who knew someone in Laredo who took people across the border into Texas. Julián got in touch with the Laredo contact and agreed to meet him in a week. It was early February of 1997. This time they would cross the border in a very different way:

I remember we got to Laredo and my cousin's friend took us to the person who was going to take us across. We got to his house in the morning and we spent the day there. Then in the evening they put some make-up on my wife and they did up my hair like a Chicano from over there. I asked them how we were going to cross. And they pulled out some little cards that showed that we were students, from the school over there. That we were going to pretend we were high school students. As we left they said that we should say at the first immigration checkpoint on the bridge that we were "American citizens." So as we went across the bridge, there was a man driving, a lady next to him, and us in the backseat. The official looked at us and we just said "American citizens." And that's how we did it at the second checkpoint, too. And we made it with no problems.

After getting through the second immigration checkpoint, the coyotes dropped Julián and Hilda off at a highway rest-stop, where they were picked up by one of his cousins. The cousin paid the \$1200 they owed the coyotes and drove them to Dallas.

Living in Dallas Together for the First Time, 1997–2000

Julián expected to go back to work at the metal-forming factory where he had last been employed, but when he went there, he found that they would not be able to take him back. While he was in Mexico, the government had begun to conduct audits of company employees' Social Security records. His old supervisor told him he would

be happy to have him come back to the factory, but he would have to have a valid Social Security number to give him. He advised Julián to get his papers in order and come back when they were. This, of course, was not possible for Julián to do, so he had to find work elsewhere. He found it in *las yardas*, i.e., doing yard work with a landscaping company for a while. This work did not pay well, however, and later on a cousin of his invited him to work with his employer, a construction contractor that ran heavy machinery—bulldozers, backhoes, and the like. By this time, Julián had gotten his driver's license and was thus qualified to be trained in operating such equipment.⁶ This type of construction work was reliable and paid fairly well. He was soon making 10 dollars an hour, though taxes and other deductions were taken from his check.

Hilda got her first job working in a textile factory. She didn't know when she started to work there that she was already pregnant with her first child. The work there was strenuous and her boss was not willing to make special accommodations for her in terms of the tasks she was expected to carry out. She was having bouts of morning sickness and was very tired. With Julián's support, she decided to quit the job soon after she started it. It was hard for them to make ends meet. They were living in their own apartment and could not make the rent on Julián's earnings alone. They brought in a roommate to help defray their rent expenses. They also had payments to make on a used pick-up truck they bought to get around. Hilda got a job working at a Mexican restaurant a couple of months after their daughter was born, earning 5 dollars an hour. She arranged for one of Julián's cousins to babysit for them while she worked. She was hired to be a dishwasher, but the owner had her do a bit of everything—cleaning the bathrooms, chopping vegetables, making tortillas, and tending the plants on the grounds. The owner, who was also Mexican, was quite bossy and exploitative. She knew that Hilda didn't have papers and wielded that power over her.

She humiliated me a lot. And at the end she didn't pay me my complete check. She didn't pay me for all the hours I worked. I would tell her, "Señora, I worked more hours than this." Because I was keeping track of how many hours I worked. She said, "Well, if you don't like it, don't come back." She knew that I needed the job because, like I told you, we couldn't make it on my husband's paycheck. We had to pay the rent, the truck payments, diapers, formula for my little girl, and we wanted to save up some money to make a trip home. So I had to put up with it. Once I fell real hard at work because she was hurrying me to finish the dishes so she could close up. She said, "If you don't get those dishes done, I'll lock you up in here tonight. I have to leave." And I said, "*Sí, señora,*" but I slipped and fell because they had just mopped and the floor was wet. I hurt my back and my husband had to come get me and take me to a lady who massaged it to help me with the pain. I felt a little better and was able to go back to work. I told my boss that I had really hurt my back and needed to go to the hospital. And she said, "Don't even think about going to the hospital because I'm not paying for it." If you want to go to that *señora* and have her fix you up, fine. But if you go to the hospital you'll have to pay for it yourself. You won't get a cent from me." Thank goodness the lady was able to help me and I got better. That way we were able to save up some money and return home.

Hilda and Julián spent 3 years in Dallas on their first sojourn to live and work in the USA. They had worked hard but had barely been able to make a go of it economically. After 3 years away from the rest of their families, they were ready to go

⁶The state of Texas had not yet begun to require applicants for a driver's license to present a valid Social Security number and other documents demonstrating their right to reside in the USA.

home for a visit. The pressure for them to return became acute, however, because of an ultimatum that Hilda's family made to her:

I left home without ever getting married in the church. My parents are very Catholic and once when I called home, my mother said "Your father says that unless you come home and get married you're not his daughter any more." And I felt really bad and I said to my husband, "Yes, let's go there and get married because I feel real bad that my father would say that about me, that I'm not his daughter anymore." And Julián said, "Fine, we'll have to save up some money to do it."

Crossing Together Through Juárez, January 2000

After their wedding, Hilda and Julián stayed in San Nicolás for another couple of months. During this time, they made arrangements with a coyote that lived nearby in San Felipe, Guanajuato to take all three members of the family to Dallas via the border city of Ciudad Juárez, Chihuahua. They chose this coyote for two reasons. First, he came well-recommended and was married to a woman who was one of Hilda's father's cousins, giving them more confidence that he would keep the promises he made to them. Second, their crossing strategy with him did not involve any trekking through the desert. He would take them walking across the international bridge and then put them on a plane to Dallas from the El Paso, Texas airport, just across the border. Their baby daughter, who was one at the time, could go across the international bridge with no problem because she was a US citizen by birth. The coyote, who had papers and maintained residences both in San Felipe and in the Dallas area, crossed his customers through Ciudad Juárez instead of Nuevo Laredo or Piedras Negras, other popular crossing spots for Guanajuato migrants, because his wife was from that city and his mother-in-law continued to live there and collaborated with him. He would charge them a total of \$2000, requiring \$1000 up front and the remainder to be paid upon their arrival in Dallas. They would pay him from a combination of their personal savings and loans from family members and friends in Dallas. It seemed like a good arrangement but the trip would turn into a terrible ordeal.⁷

Hilda, Julián and their daughter agreed to meet the coyote in San Felipe one day in March. He drove them to Ciudad Juárez in his pick up truck and dropped them off at a modest hotel. He said he would come for them in the morning to take them across the bridge. He arrived early the next morning. He brought clothes for them and dressed them up to look like US-born Mexican Americans. Hilda thought he made them look like *cholos*, a pejorative term in Mexican Spanish referring to Mexican American gang-members and their distinctive style of dress.⁸ He then took

⁷Here we see how migrants attempt to use the social capital inhering in their relations with members of their networks of kinship and *paisanaje* to manage the risks they face in their cross-border journeys. See Spener (2007), (2009a, b).

⁸Undocumented Mexicans and their coyotes in Ciudad Juárez had long ago mastered "the look" that was most likely to make US immigration authorities mistake them for US-born Mexican

Hilda and Julián with him to the international bridge connecting Ciudad Juárez with El Paso, Texas, leaving their daughter with his mother-in-law. As they approached the bridge, the coyote instructed them to walk behind him and tell the US immigration inspector that they were “American citizens.” He did not provide them with any documents, nor did he appear to have any relationship with the inspectors on the bridge. When Hilda and Julián went through the checkpoint on the bridge, they told the inspector they were US citizens and they were waived through.⁹ To Hilda it seemed that it was *pura suerte*—just lucky—that they were allowed to pass. Once they were across the bridge, the coyote loaded them into a pick-up truck and drove them to a house where they waited while he went back to Juárez and pick up their daughter. When he returned with the baby he told them that he had gotten their plane tickets and they would head straight to the airport.

At the airport, Hilda carried their daughter in her arms and Julián carried their luggage. The coyote walked ahead of them, carrying their tickets. He said he would give them the tickets just before they boarded the plane. As they were walking behind the coyote in the airport, a couple of Border Patrol agents gestured to them to stop and demanded to see their immigration papers.¹⁰ Of course they did not have any and the coyote kept walking. They were arrested by the agents and taken to the INS detention center next to the downtown bridge that they had just walked across a couple of hours earlier. They were held there all morning, with their baby crying constantly because she was hungry and they had not had anything to eat before leaving the hotel in Ciudad Juárez. The agents eventually brought some crackers for her, which she ate quickly and fell asleep. They also brought “voluntary return” papers for Hilda and Julián to sign, which waived their right to a formal deportation hearing before an immigration judge.¹¹ The agents also insisted that their daughter “sign” her paper by putting her fingerprint on it. The agents then released the family and let them walk back across the bridge into Juárez. As they were walking across the bridge, one of the agents warned them not to come back because if they got caught again, they would take their baby away from them. This, of course, was a phony threat, but Hilda said that the agents seemed to enjoy “humiliating” Mexicans like them.

Back on the street in Ciudad Juárez, Hilda and Julián debated what they should do. They had almost no money and nowhere to stay. Julián was in favor of going

Americans. See Debbie Nathan’s (1991) essay “The Eyes of Texas Are upon You” in her book *Women and Other Aliens: Essays from the U.S.-Mexico Border*.

⁹It was not until 2008 that all persons entering the USA at a land port of entry had to show identification to immigration inspectors. Prior to that time, it was left to the discretion of individual inspectors whether or not to require entrants to produce documentation that demonstrated their legal right to enter the country.

¹⁰In the border region with Mexico, US law enforcement agents are held to a lower standard in establishing legal grounds to stop and interrogate individuals than they are in the US interior (see Hing 2004).

¹¹“Voluntary return” is the bureaucratic euphemism for the procedure that allows Mexican nationals to return to their country without spending a long period in jail awaiting a formal deportation hearing. This procedure has been practiced routinely on the border since at least the 1920s (see Corwin 1978, 148).

back to San Nicolás to regroup and come up with a new plan, but Hilda thought they should keep trying to cross since they were already at the border. Moreover, she said, they had no money to live on in San Nicolás and already had debts to pay to people there. After discussing it for a bit, they decided to retrace their steps to the coyote's mother-in-law's house. The coyote seemed to be expecting them when they arrived. He told them he was sorry about what had happened and that he would keep trying until they got across successfully. "He told us not to worry," Hilda said. "He would figure out a way to get us across. 'I'm going to get you some fake papers so you can get across. These papers will cost me five hundred dollars each, but I'm going to get them for you.' And he got them for us."¹² The next day the man's mother-in-law dressed them up as "cholos" again and they walked across the same bridge into El Paso. This time one of the immigration agents recognized them from the day before and checked their papers closely and took their fingerprints. When the prints did not match the prints embedded in the documents they were carrying, the agents demanded to know who had sold them the papers.¹³ Hilda and Julián insisted that no one had sold them the papers but rather that they had been given them. After an intensive interrogation, the agents "voluntarily returned" them to Mexico again. Once more, they walked back to the coyote's mother-in-law's house to decide what they would do next. It was late at night by then and the house was a long ways from downtown, up on the mountain. They had no money for a taxi and no way of calling the coyote. "We walked up there and there were a bunch of druggies [*mariguanos*] along the way, smoking and fighting with each other. My husband and I were just praying they wouldn't do anything to us." When they got to the house, the coyote was waiting for them. Again, he told them, "Don't be discouraged. We'll try again. My *cuñado* [brother-in-law] also takes people across, but walking. He has a trip leaving tomorrow."

The next day the coyote from San Felipe took Hilda and Julián to see his *cuñado*. They found out that, in fact, he would be leading a group of 19 people across the river that night, leaving at 9:00 p.m. The *cuñado* said that they would have to walk across the border, but Julián and Hilda said it didn't matter, that they just needed to make it to Dallas. They left their daughter with the San Felipe coyote and his mother-in-law, who would bring her across the bridge to meet them after they made it. This time the crossing would be extremely miserable and would result in arrest on the outskirts of Dallas.¹⁴

¹²In *Clandestine Crossings* (Spener 2009), I refer to this coyotaje strategy as *document dispatch*. With the increase in physical barriers to border-crossing in recent years, it has become considerably more attractive to migrants.

¹³The documents that the coyote had provided them were the so-called laser visas, the updated version of the old border-crossing card that now had biometric data embedded in it. At the time Hilda and Julián were arrested on this occasion, agents were not yet checking the fingerprints of all noncitizen entrants at land ports. That would not happen until later in the decade with the implementation of the US Visit program.

¹⁴Although Hilda and Julián contracted this coyote through their social network connections, he devoted himself full-time to the business of transporting undocumented migrants into the USA, working with many strangers as well as people who were recommended to him by members of

They left that night at 9. It was a cold late winter-early spring desert night. The coyotes drove them in pick up trucks to the mountains on the edge of town. From there, they ran downhill until they approached a house near the river. A pack of dogs came out from the house and ran towards them barking and would not let them continue on towards the river. The coyote approached the house and spoke with the owner, he paid the owner some money, who then came out and tied up the dogs. The coyote and the migrants then waded across the river, which was quite shallow at that point. On the far side of the river they came to the cement-lined American Canal that both served for irrigation and immigration control purposes.¹⁵ There they lay down on the ground in silence upon seeing a Border Patrol agent walking nearby along the road scanning the terrain with his flashlight. When the agent passed without seeing them, the coyotes gave the go ahead for them to cross the canal. The water in the canal was swift and deep and many migrants had drowned in it over the years. Julián took Hilda's hand but she was still nearly swept away. Since she didn't know how to swim she was quite sure she would have drowned if another man who had already made it across had not given Julián help in pulling her from the water.

Once they all crossed the canal, they had to cross the highway that also ran parallel to the river in El Paso. They did not dare climb up the embankment to the road, however, for fear that the Border Patrol would spot them. Instead, they all crawled into a culvert under the highway that was clogged with garbage and debris. By the time they negotiated their way through the culvert it was 3 in the morning. There they waited for one of the coyotes to come pick them up in a truck to continue their journey. They were all wet and it was freezing cold that night. "We were all shivering," Hilda said. "I couldn't even feel my feet. They were frozen!" Their ride did not materialize, however, and shortly before dawn the coyote who was leading them ventured out to find out what had happened to the driver. The rest of them did not dare leave the culvert, for they could hear the Border Patrol's dogs outside along the road:

The person that was supposed to pick us up didn't show up. The coyote went to find out what happened. We couldn't make any noise or anything because immigration was out there. We could hear their dogs out there. There we were. We hadn't eaten anything and we are all soaking wet. We were shivering, just stiff with cold. Finally at about five in the afternoon a van came for us and picked us up.¹⁶

They drove for several hours towards Dallas. Hilda and Julián didn't know exactly what route they took, but they did not have to get out and walk around any

their *paisanaje* networks. Elsewhere (Spener 2008b, 2009a, b) I have referred to these types of enterprises as *commercial transport coyotaje*.

¹⁵So dangerous was this canal to migrants crossing the border that the US Border Patrol in the El Paso sector eventually set up a Swift-Water Rescue Team in response to numerous drownings in the canal. See http://www.cbp.gov/xp/cgov/newsroom/news_releases/archives/2008_news_releases/may_2008/05232008_8.xml.

¹⁶Here we can see that the violence to which migrants are subjected is principally *structural* violence, insofar as their suffering owes more to the desperate crossing conditions imposed upon them by the state than any overt, direct violence meted out against them by their coyotes. Feldman and Durand (2008) have discussed this type of violence imposed on migrants by the system of global apartheid as a form of Social Darwinism.

immigration checkpoints on the highway. Late in the evening they arrived at a house near Dallas. An Anglo, English-speaking woman lived there. They had several rooms for the migrants to stay in. The woman and the coyotes told the migrants to shower, which they did. Unfortunately, they did not have any clean, dry clothes to change into after they bathed. The woman tied a big black dog to each door to keep the migrants from attempting to leave:

They tied a dog at each door. Some big black dogs. They put the dogs there so we couldn't leave. People were saying things like, "We're not far from where I'm going. I know how to get there walking." But the lady said, "You aren't going to leave here until they bring me the money for you." So people started calling people to bring the money and come pick them up.¹⁷

People were still bathing and calling their friends and relatives to come get them when immigration agents raided the house:

That was what was going on when suddenly police were everywhere. They broke down the doors and sprayed the dogs with something that subdued them. And these big policeman came in with their pistols drawn and pointed them at us. A man was in the shower and they pulled him out, thinking he was the coyote. They shouted for him to open the door but he didn't want to because he was naked, not because he didn't want to open the door. The agents thought that he was the coyote and that he was hiding in there. So they broke down the door to the bathroom and pulled him out by his hair and threw him on the floor and kicked him around. The man was laying there naked! Then they got the man up and handcuffed him and shackled his feet. Then they handcuffed all of us and threw us into a couple of vans. They drove us to the immigration office and unloaded us off the van. They tied our hands and feet to some little benches and kept us chained there all night. We couldn't sleep because we were sitting there chained to the bench. We hadn't eaten and we kept asking them to please get us some water because we were thirsty. They finally brought us a glass of water and a flour burrito. We were there for two days, with me crying all the time for my daughter, because I had left her in Juárez. Finally they put us all on a big plane with a bunch of other people. They weren't deporting just us, they were deporting a whole lot of people. The plane was loaded full of children, some of them newborns. And they were all in shackles, too, like the adults.¹⁸

Hilda told me there must have been at least 200 people on the plane, including some Central Americans in addition to her fellow Mexicans. They were flown to

¹⁷One of the challenges faced by analysts of the practice of coyotaje is how to evaluate situations such as this. Government agents and the press typically refer to migrants apprehended under these conditions as hostages that have been liberated from captors who are holding them against their will as hostages. While the use of dogs to guard them is certainly violent and degrading, it is also significant that migrants agreed ahead of time to stay with their coyotes until their friends and relatives come forward to pay for their passage. It is also interesting to note that Hilda recognizes the potential flight of migrants before they paid their coyotes for transporting them to that point. I discuss the ambiguities of these kinds of situations in greater detail in *Clandestine Crossings* (2009).

¹⁸While this type of treatment of migrants clearly fulfills Galtung's (1969) definition of *direct violence*, it also can be interpreted as a significant example of cultural violence, insofar as such treatment of migrants results from deep-seated attitudes on the part of law enforcement agents that seem to regard migrants as criminals that represent a threat not only to the social order but also to the physical integrity of those around them, including their fellow migrants.

Ciudad Juárez. When they got off the plane that night, they were surrounded by Mexican police and their dogs, just as they had been on the US side. In addition, she arrived back in Mexico barefoot:

I was barefoot because they had taken my shoes and they got lost somewhere. I don't know where they put them. They took all of our shoes and we were all barefoot. Before we got on the plane immigration made us take off our clothes. They took off our blouses, everything to make sure we weren't carrying—I don't know what!

Hilda said she thought that the coyote that was with them when the raid occurred must have had some kind of deal worked out with the immigration agents since he did not seem to have been detained. She and Julián never saw him again. In spite of the ordeal they had been through, Hilda was surprisingly complimentary of the treatment they had received from these coyotes, as well as the other migrants who traveled with them:

No, they acted right by us. Like when we were in the truck, they stopped to buy us chips and soda. ... I stuck by my husband the whole time, since I was the only woman out of twenty people. But all the men behaved themselves. They didn't say anything untoward [*no decían groserías*] and they acted right by me.¹⁹

Hilda and Julián went back to their hometown coyote's residence in Ciudad Juárez to reunite with their daughter. He already knew what had happened to them since he had been in cell phone communication with his *cuñado*. This time he had another plan for getting them across: Another of his *cuñados* had a contact inside the US consulate in Juárez who sold visas.²⁰ It would take a couple of weeks to get them, but they would be real, valid visas issued to Hilda and Julián. The coyote felt responsible for all the bad luck and trouble that had befallen their family. Since their money had run out, he offered to let them stay with him in his in-laws house while they waited for their visas to come through. It took longer than expected, though: They stayed there a full month. It was not a wholesome scene. Their coyote's *cuñados*, although they did not live there, came in and out regularly. They smoked marijuana and injected other drugs in the house. "It was really awful, really sad there," Hilda said. The mother-in-law fed them though, mostly eggs, tortillas, and potatoes, and gave them their own room to stay in. Aside from the drug use by the woman's sons, they were treated respectfully and given what they needed to get by.

Finally, the papers—new laser visas—came through. To make sure they would pass inspection, Julián walked across the bridge into El Paso alone. He showed the papers to the immigration inspector, who allowed him to enter the USA. He walked

¹⁹Hilda's attitudes regarding the conditions she experienced on this trip are perplexing insofar as she appears not to blame the coyotes who transported her for the suffering imposed upon her. As I have suggested elsewhere (Spener 2009), we can interpret her attitudes as reflective of the *habitus* of working-class migrants whose lifelong socialization towards conditions of precariousness and material deprivation inure them to all but the worst forms of overt abuse against them.

²⁰News reports from the early 2000s indicated that the sale of visas and other documents by US consular personnel was a regular occurrence in Ciudad Juárez. See López (2003a, b). Elsewhere (Spener 2008b, 2009a, b) I have referred to this type of illegal provision of border-crossing services as *migra-coyotaje*.

back across the bridge into Ciudad Juárez and reported the good news to Hilda and their coyote. The next day the whole family crossed the bridge with the coyote in his truck. The immigration inspectors checked their papers against the records in their computers and allowed them to pass. The coyote drove them all the way to Dallas in his truck. In spite of all their travails, Hilda and Julián felt that their coyote had treated them well, doing everything he could to get them to Dallas. “Those papers cost him a lot of money,” Hilda told me. “He paid more for them than he charged us. He stayed in Juárez the whole time until we made it. Remember, he was related to my father. We had a family relationship with him, too.”²¹ Perhaps in recognition of the repeated ordeals they had been through, the coyote never charged them the second installment of what they had agreed to pay him. Grateful as they may have been to have finally made it with this coyote’s help, they never communicated with him again and didn’t know if he was still in business.

The coyote dropped them off in Dallas at the house of a friend of Julián’s, but the friend was not there. According to Hilda, he was in Mexico for a visit. It was pouring down rain, they had not eaten, and they only had 2 dollars between them, a 1 dollar bill and four quarters. They found a store to buy some bread and bought a soda from a vending machine:

It was just raining and raining. My husband said, “Let’s go and buy a *bolillo* [a type of Mexican baguette]. He had two dollars, one bill and four quarters. There was a soda machine there. We decided to buy a soda to wash down the bread, since we didn’t have any more money. I put the quarters in the machine and a whole bunch of quarters poured out, like five dollars worth. My husband said you never expect God to help you, but we didn’t have a cent. Our baby’s diapers were soaking wet and we didn’t have any to change her into. With those five dollars we bought some more soda and some diapers. We waited around until it stopped raining and walked over to the place where a couple of my husband’s cousins lived. They invited us to stay with them for a while.”²²

Living in Dallas Together for the Second Time, 2000–2003

The travails that Hilda and Julián had gone through to make it to Dallas at the beginning of 2000 presaged the difficulties they would encounter living there on their second sojourn. Julián did not find work right away when they returned, and then when he did it was working for low pay in *las yardas* again. Hilda was obliged to go back to work at the Mexican restaurant, whose owner she so despised. She worked at night and left the baby with Julián, getting home around midnight. Her boss was as overbearing and cruel as ever. When Julián got a better job running construction equipment again, she quit. It wasn’t long, however, before she had to find waged work again. Julián’s

²¹ Here again we see the way in which migrants can benefit from the *social embeddedness* of their relations with coyotes, an aspect of coyotaje I discuss extensively in *Clandestine Crossings* (2009).

²² As this passage poignantly illustrates, the resources inhering in migrants’ social relations, no matter how indispensable to the success of their migratory strategies, are often insufficient to guarantee their comfort and security on their cross-border journeys.

cousins' house was filling up as more of their siblings arrived from Mexico to live there. Julián and Hilda decided it was time for them to move out and find their own apartment, which they did, a tiny studio for which they paid about 300 dollars a month.

Hilda got a job with a crew that cleaned schools at night. She started at 8:00 p.m. and worked into the wee hours. Sometimes Julián did not get home from his construction job until after Hilda had to leave for work, since his construction sites were sometimes far away and evening rush hour traffic in Dallas-Fort Worth could be dreadful. On these occasions, Hilda would leave the baby in her crib with the TV on and lock the door on the way out. She wasn't usually home alone for more than a few minutes, but Hilda was nonetheless unhappy about the arrangement. She would get home in the middle of the night, exhausted—they worked her hard at the cleaning job, too—and her little girl, now 2 years old, would wake up and want to play. After about a month of this, Hilda quit the cleaning job. By this time, she was pregnant with her son. Because they needed the money, she found another cleaning job, this time working in a private hospital. One of the benefits of working there was she would get free prenatal care and be able to give birth at the hospital. She presented the Social Security card and state I.D. she had bought on her first sojourn as the work documents the hospital required. Around that time federal authorities conducted the same type of audit of Social Security numbers at the hospital as they had at the factory where Julián used to work. The hospital was obliged to fire about a 100 Mexican workers, including Hilda. She not only lost her job but also access to the prenatal care and right to give birth at the hospital. She ultimately gave birth to her son in one of Dallas' public hospitals, where, she said, nearly all the patients were Mexican.

Hilda did not go back to waged work after her son was born, opting instead to stay home with both her children. She got pregnant again not long after her son was born and gave birth to a second daughter in early 2003. After the terrorist attacks in Washington and New York in September 2001, the construction company where Julián worked went bankrupt and he was forced to go back to yard work for a time, which paid considerably worse. Without Hilda working, they couldn't really make ends meet. They didn't have enough beds or clothes for everyone in the family. They scavenged dumpsters for old mattresses. Hilda applied for food stamps, as well as food from the Women, Infants, and Children (WIC) program, but her immigration status and inability to understand English over the phone stymied her efforts.²³ She stayed indoors all day with her children while Julián worked. The neighborhood

²³From the website of the Texas Department of State Health Services: "WIC is a nutrition program that helps pregnant women, new mothers, and young children eat well, learn about nutrition, and stay healthy. Nutrition education and counseling, nutritious foods, and help accessing health care are provided to low-income women, infants, and children through the Special Supplemental Nutrition Program, popularly known as WIC. Retrieved on October 31, 2009 from <http://www.dshs.state.tx.us/wichd/>. The prevention of Hilda and Julián from accessing a form of state assistance that was vital to the health development of their children clearly fulfills Galtung's definition of *structural violence*. Insofar as the laws producing this structural result reflect important cultural norms and values on the part of US voters and their public servants, this situation can also be understood as embodying a form of *cultural violence*.

was not very safe, she didn't drive, and she didn't have enough money to take her family elsewhere to do things. Although Hilda was grateful and happy that Julián and the kids were all together, things were not going well for them economically, nor were she and the kids happy. Although it was a wrenching decision, Hilda decided, and Julián concurred, that everyone would be better off if she took the kids back to San Nicolás to live:

I was crying because I wanted to go home. I was happy being with my husband, but I had to do it for my kids. It pained me to see them just looking out the windows like they were in jail, all locked up there. And then they were getting sick all the time, too. So I said to my husband, it would be better if I went back. It was June. My littlest one was only three months old. The three of us got on the bus and rode to San Felipe, where my *suegra* [mother-in-law] was waiting for us. My husband stayed on in Dallas until December. We didn't have any money. He said he'd be able to save up some money after we left. With all of us there we couldn't save at all. The rent would come due, and then we had to buy diapers—and we had two kids in diapers then. We just couldn't make it. . . . I told my husband, I've been trying so hard, but I just can't make it here with my kids. I'm suffering a lot, I told him. I'm locked up in a little room with them all day. Back home I have my house, my furniture, and my family. I love my husband and now I miss him but I also love my kids and I'd do anything for them. That's why I decided to go back.

Another reason Hilda wanted to return, Julián later told me, was that her father had been sick and she wanted to be in San Nicolás to help him and her mother if he took a turn for the worse at any point. So, Hilda and the children returned to San Nicolás in June 2003. Julián stayed in Dallas through the end of the year, trying to save up some more money and arrange to bring a pick-up truck back with him that the family could use at home in Mexico.

Julián's Most Recent Trip to the USA

Before Julián went back to San Nicolás in December of 2003 he was trying to get the title to a pick up truck he had bought straightened out so he could bring it back with him legally. Having a truck in San Nicolás was imperative, given its isolation and lack of adequate public transportation in the area. He had owned a 1995 pick-up free and clear, but he would have had to pay a large amount in import taxes to bring it back to Mexico with him, since it was still less than 10 years old. To get around that problem, he sold his 1995 truck and bought a 1988 pick-up that he could take to Mexico without paying so much in taxes. Unfortunately, he was not able to get free title to the new vehicle in time for him to get home to his family for the Christmas holidays and he left taking care of the matter to the cousin to whom he had sold the 1995 vehicle and who had not yet paid him. The idea was that as soon as the title came through, the cousin would arrange for someone to drive the truck to Julián in San Nicolás and pay for it out of the money he owed him. Months passed and the vehicle never came. Julián called his cousin repeatedly, who claimed that he had never gotten the title to the truck from the lot where Julián had bought it. Aside from the inconvenience of

not having a truck to drive in San Nicolás, Julián could not avail himself of what waged work was available in the area. Finally, in August 2004, he decided he needed to go back to Dallas to get the truck or, if that was not possible, earn some money to buy another one.

To get back to Dallas, Julián contacted a coyote who operated out of Rancho El Alto [a pseudonym], just a few kilometers away from San Nicolás. He went to this coyote based on the recommendations of some friends who had crossed with him recently. He had a good reputation for success. Rather than borrow money from friends and relatives to pay the coyote, Julián worked out a deal with his cousin that he could cancel the debt to Julián for the pick-up truck he had bought by paying Julián's coyote when he arrived in Dallas. The cost for this trip would be \$1400, considerably more than the last time Julián had traveled with a coyote several years earlier.²⁴ The logistics for this trip were similar to those of his first cross-border trips a decade earlier. Julián took the bus to Nuevo Laredo with the coyote and several other men from his and neighboring ranchos. They waded across the river near Nuevo Laredo and began a 4 day march through the sweltering brush to get around the immigration checkpoints on the highways leading away from Laredo.

Although they did most of their walking at night, when it was cooler, it was still an extremely difficult trip. Julián handled it well, under the circumstances, for he had been playing baseball a lot during his last few months in San Nicolás and was in better shape than he had been in a while. As was typically the case on treks like these, the water they were carrying with them ran out after the second day. They refilled their water jugs from cattle troughs the coyotes located along the route. This water was not really fit for human consumption, but, as Julián said, they were so thirsty they knew they had to drink it. Although Julián did not get sick from the water, a man in his 40s who was making the trip with his teenaged son did. The man was already having a hard time keeping up. He was tired and his feet were covered with blisters. Then, late on the third day, he began to vomit the water they had drunk. The coyote tried to encourage the man to keep going:

The reaction of the coyote was to try to encourage him, keep his spirits up. He told him not to drink so much water and that he should try to eat a little more to have the energy to get there. He really couldn't eat much, though. On the last day, we walked during the daytime. They usually walked you at night. [The coyote] told us that we had to get to where they were going to pick us up. And by about noon, this man couldn't carry his *mochila* [knapsack] anymore. He wanted to leave it behind, but he needed the clothes when he got where he was going. I took his pack for a couple of hours and then another person took it. ... The rest of us tried to help him. The coyote had worked it out with the person who was going to pick us up that we'd get there by a certain time. So he tries to pressure you so you get there by then. When the man couldn't keep up he told us to go on, but we let him rest for a while

²⁴ Julián's choice of coyote and the payment arrangements he worked out with the coyote in 2004 belie the pronouncements of government officials and the press that tighter border enforcement since the early 1990s had effectively put an end to this type of socially embedded *professional migration* coyotaje (see Spener 2007, 2009a, b). It also illustrates the application of the cultural practice of *rascuachismo* by working-class migrants to the project of undocumented international migration, a term that refers to the solving of problems ingeniously and in an improvisational manner using what resources and materials one has at hand (see Spener 2010).

to get his spirits up. And he made it walking on his own. We were all really tired but we held on and made it there in time.

It was a good thing that the man was able to keep going. Julián said he and others would have carried them on their shoulders if they'd had to, but if they had left him behind he almost surely would have died. "We were out in the middle of the *monte*," he said. "It would have been hard for anyone to find him out there."

One of the coyote's collaborators picked up Julián and the other migrants with his car at the edge of the monte at about 4 in the afternoon. He drove them to a house near San Antonio, where they arrived at about 6. From there, the coyote called to another collaborator in Dallas, who then drove to San Antonio to pick up Julián and the others that were headed to that city. They also called Julián's cousin to let him know that he had made it and that they needed the money he had agreed to pay. Much to Julián's dismay, his cousin was several hundred dollars short of the \$1400 they coyotes expected. Fortunately, Julián was able to negotiate a deal with his coyote from El Alto whereby his cousin could give the money he had to the driver when they arrived in Dallas. Julián would pay off the rest of what he owed as he was able once he started working. He would send the money home to Hilda in San Nicolás and she would pay the coyote, who lived nearby. And that's how it worked. Upon arriving in Dallas in the middle of the night, Julián's cousin met him and the driver at an agreed upon spot. His cousin paid the driver the money he had, the driver said good-bye and left, and the cousin drove Julián back to his house.

The next day, Julián went to work as a "yard man," cutting grass, blowing leaves, trimming bushes, and weeding gardens. Within a couple of months, though, he was back at work in construction, earning 10 dollars an hour as an operator of heavy machinery. He began sending money home to Hilda, who paid off the coyote. He was finally able to get the title to the truck he had bought, after battling the owners of the lot who had sold it to him. It was terribly important for Hilda and him to have a car in San Nicolás, especially for Hilda when he was not there. She explained the situation as follows:

I don't drive but he wants me to learn in case he has to go back north. So I don't suffer so much here. Right now I have to go everywhere by bus. To get groceries, for example. And it's a real hassle. And if my kids get sick, I have to be able to get them to the doctor. That's why our dream is for my husband to bring a pick-up back with him.

Julián worked through the end of 2004 and kept on until October 2005. Hilda missed him terribly. He told her he would get the money together to have her come back with the kids, but their oldest daughter, who was in school by then, didn't want to go back to Texas:

I missed my husband terribly after he went back to Dallas. It made me sick. He said, "You know what? I'm going to get the money together to bring you back. Bring the kids. But my older daughter refused to go.

"You go, *mamá*. I'm not going."

"Why not, *hija*?"

"No, *mamá*, up there you've got us locked up inside all the time. There are no parties or anything up there."

She likes her freedom. You can see how they run around here. It's not like that up there. Up there they're always stuck inside watching television from the time they wake up till the time they go to sleep.

Julián would have liked to return home earlier, but one of his aunts in San Nicolás required surgery to remove a cancerous tumor from her stomach, and he was called upon to help defray the costs (his brother José had also put up money for her medical care). He also wanted to save up as much as possible so he would not have to go back to the USA for at least another year. When I interviewed him in January 2006 had the following to say:

God willing, I'd like to spend this year with my family, if I can find work here. I don't know about next year. Hopefully I can get a stable job here. If not, I'll go again. Right now my kids miss me. If I go out anywhere, my wife tells me they ask her what time I'm coming home, how many days I'm going to be away. So like I say, I'd like to try not to have to go back up there again.

One thing they did quietly, without telling either set of parents, was arrange for Hilda to get a tubal ligation so they would not have any more children. They felt that three children were enough and realized it would only complicate their situation further if they had any more. She was happy with her kids and was glad to see them happy to be living back in San Nicolás.

Fortunately, at the time I interviewed him, Julián had gotten work building a bridge across the river that ran by San Nicolás. This was providing him with some badly needed waged income. When the project was finished, he thought he might look for construction work in León or in Querétaro. He wasn't very excited about the idea, though, because it meant being away from home for at least a week at a time. In addition, the income he could earn working in construction in Mexico was enough to live on only if his family incurred no extraordinary expenses. "I can make enough for us to live on," he said, "but if someone gets sick you have to go into debt. If you have to go into debt, then it's difficult to repay that money here. So that's when you start thinking about going up there [to the United States] to pay off your debts."

Julián actually preferred living and working in Dallas to living in San Nicolás. In spite of all the difficulties she had had as a wife and mother in the Dallas area, Hilda was restless in San Nicolás and also would not be averse to going back. Both of them agreed, however, that they would not want to go back until after their kids were bigger and had finished school in Mexico, even though all three were US citizens by birth:

We're going to try to give our children their schooling here. And then when they're mature enough to know right from wrong, we can go back. Because I've seen how the kids are up there, the teenagers. I see how the kids carry on up there and that's why I want my kids to go to school here. Maybe the schools are not as good here, but I don't like the way schools are up there. I like the fact that they learn English, but I don't like the way the kids treat each other. ... I have friends who've told me about how kids at school get forced into drugs and things. If we keep them here while they're small, we won't have any problems like that. If we go up there and they're bigger we've got a better chance since they can tell you if anyone is giving them problems and try to help them deal with it. That's why my wife and I want them to study here, at least through the eighth grade. Then we can decide whether we all want to go back up there.

Julián's Reflections on *Coyotaje* and the Dangers of Clandestine Border Crossing

In addition to speaking with Hilda and Julián about the particulars of their various cross-border trips and their sojourns living and working in Texas, I spoke at length with Julián about his opinions about coyotaje as a strategy for getting to the USA. In this concluding section, I have organized his reflections on coyotaje into three general categories:

1. His characterization of the social origins, trustworthiness, and quality of service provided by the coyotes he had dealt with directly or whose reputations he knew from the experiences of other migrants who lived in his community;
2. His assessment of the level of risk of making coyote-assisted clandestine border crossings and who should be held accountable when migrants suffer abandonment and even death on the trail; and
3. The amount of money migrants had to pay to coyotes to get to their destinations in the USA.

This section ends with a discussion of Julián's reaction to the possibility of participating in an expanded guest-worker program that might permit him of future opportunities to labor in the USA as a legally contracted, temporary or seasonal guest worker. Not surprisingly, Julián viewed participation in such a program as an attractive alternative to coyotaje as a strategy for pursuing employment opportunities north of the border.

Julián's Characterization of Coyotes and Their Relations with Migrants

For Julián, the line that distinguished coyotes from their customers in his community in rural Guanajuato was a blurred one. He told me that, from his point of view, coyotes and the other members of his community were cut from the same cloth. Julián's assessment coincided with that of migrants I interviewed in Monterrey, Nuevo León who regarded their coyotes as being the local migrants that best "knew the way" to get across the border:

Spener: What opinion do you have of the persons that have taken you across? They say lots of bad things about coyotes in the press in the United States. In your view, what are they like? Are they respectable people? So-so people [*gente regular*]? Bad people? How do you see them?

Julián: I think they're people like us. They try to earn a little more money without having to fight so hard for it. I put myself in their place and I think if I were them, well, I'd also try to take people across, since if I cross them and they pay me when I get there, I'll be able to save up a lot of money working like that. ...

Spener: And are these people, shall we say, "professionals"? In other words, is this the only thing they do for a living or do they work over there [in the United States] or back here [in Guanajuato] when they're not taking people?

Julián: Most of the ones I've known, they start out the same as us. Somebody takes them first. They work over there [in the United States] but from going back and forth so many times, they memorize the route [*se empiezan a grabar el camino*]. Then they start taking companions with them without charging them, since they're going anyway. Then they decide to do it for a living.

Spener: So, they're normal people? They're not, like hoodlums [*no son así como cholos y gente así mala onda*]?

Julián: No, I believe that they're people like us.

Spener: The times that you've crossed, have they acted right? Have you seen any abuses? Do they carry pistols, threaten anyone, that type of thing?

Julián: No, not the persons that I've gone with.

Spener: So they've acted right by you?

Julián: They've conducted themselves just like they were one of us [*se han portado, pues, como cualquier compañero*].

Although Julián and his family members and friends in San Nicolás were perfectly willing to talk with me about their experiences traveling with coyotes and share with me their opinions of them, I was not able to interview any of the local coyotes directly, in spite of my efforts to contact them. Julián was not surprised by this. "No," he said, "they wouldn't talk with you because they don't know you." In other words, they were suspicious of me as an obvious outsider to the community and someone who might even work for the US government. I asked him, though, how coyotes knew whether it was safe to talk with fellow Mexicans about what they did for a living and how they went about providing their services to migrants. I wanted to know how they knew who was really a potential client and who might want to get information from them for other purposes. Julián explained to me that the coyotes were somewhat protected from exposure because of the system of word-of-mouth recommendations they used to get customers:

The people they don't know come to them through somebody they do know. It's like a link between people who know one another. You know me, I know another guy, and the other guy knows someone else. So that other guy doesn't know you but he comes to you through this link and says so-and-so sent me. So, they do work with people they don't know but they come to them through somebody they do know. Then they'll tell you how everything works.

In addition to protecting themselves from exposure to the authorities, Julián explained to me that the coyotes had additional reasons to prefer working with customers who had been recommended to them:

Julián: The customer asks them how much it's going to cost and how much he'll have to walk, and when he'll have to pay. And they tell him this number of days and all that. But then if they know you well, like on this last occasion with me, we didn't speak with one another but we knew each other by sight, so when I tell him I don't have enough money he said, we could work something out. He could wait for me to pay him later, you know? And with other persons he didn't know, they demand the money right now. They'd better have the money as soon as they get there since they don't know them and they know there are a lot of people out there who can't pay. ... I've heard of cases where they won't let people go until they've paid a certain amount. But these are people that they are more mistrustful [*que les tienen un poco más desconfianza*].

Spener: So, they don't negotiate so much with people they don't know?

Julián: No, because they want to choose people that pay like they say. I haven't seen it myself, but they say that when they get there a lot of people don't pay or don't want to pay.

Julián said he had heard about coyotes elsewhere committing many abuses against their customers but had not had any problems himself or heard about any local coyotes doing such things to people from around San Nicolás. He explained that the in-group system of word-of-mouth recommendations protected both migrants and coyotes alike, at least to a certain extent:

Julián: In any event you try to go with people you already know for the same reason that if they know you they have more hope that someone will be waiting for you with some money. When I went with that first coyote, I didn't know him, but I went with him because I knew that I had all the money I needed waiting for me once I got there.

Spener: So, it was a good deal for him to work with you.

Julián: Right. It was good for him because I had all my money ready over there. I believe that anyone who is a *pollero*²⁵ likes working with people they know have their money lined up. They won't have to wait at all. And if they know the person, they're willing to take more of a chance.

In spite of the fact that both migrants and their local coyotes in rural Guanajuato were well-known to one another and had a long history of more-or-less mutually beneficial collaboration, tragedies occasionally befell migrants from the San Nicolás area as they traveled to the USA with their coyotes. Such a tragedy had recently befallen a man from a neighboring town and Julián offered his surprising assessment of who was responsible for what had happened.

Abandonment and Death on the Trail

Julián's brother José had told me that the coyotes from El Alto had recently left behind a man on the trail who was traveling with them. The man had died from heat and dehydration. I asked Julián if he had heard about this incident and what he thought about it. I was surprised that he did not blame the coyotes for what had happened to the man. As can be seen in the transcript below, Julián had thought about this issue and had some specific reasons as to why he did not think the coyotes were to blame:

Spener: Your brother was telling me last night that word was going around that some coyotes [from around here] had left somebody behind on the trail not too long ago. Did you hear that, too?

Julián: Yes, I heard about that when I was up north.

Spener: Where?

Julián: I was in Dallas when I found out about that, but I didn't believe that they would have left him behind. It was the coyote that I crossed with the last time I went, so I didn't believe it. Then I began asking around, and according to the conversations I had, I'm not sure if it's true, but according to what they say, this person couldn't walk any more and felt real sick. He just couldn't do it any more. And they say that they tried to help him and move

²⁵Literally, a "chicken grower" or "chicken farmer." Originally used on the western stretches of the USA–Mexico border as a synonym for coyote, today it is widely used throughout Mexico and Central America to refer to the service-providers hired by migrants to help them enter the USA. See [Spener \(2009\)](#) for a more complete explanation of the origins and use of this term.

him along, but he said he didn't want to go any further. So the guide didn't know what to do. He said, "I have the obligation to take these other persons, but I've also got a commitment to him." And according to what I was able to find out, one of the man's companions said [to the coyote], "You go on ahead with those persons and I'll stay back with him." And that's what I heard they did.

Spener: In other words, another member of the group stayed back with him?

Julián: Yes, he stayed back with him. Then when the guide got to where they were picked up, he told the other guy who was going to drive them, that he should stop a little further down the road to call the Border Patrol to tell them to go look for them back down the trail. And when they found them, the *muchacho* had already died.

Spener: So it was a young guy, a boy that had died?

Julián: Right, he was young.

Spener: So, how do people react to this event? What is *your* reaction?

Julián: Well, I *did* react.

Spener: Is anyone at fault?

Julián: Well, no. My reaction, like I said, I don't know. I don't think it was their fault. It's just a question of whether your body will take it or not. Because I've told people that the first time I went that I felt tired. But I didn't know anyone else on that trip. I'd never laid eyes on any of them before. So I thought to myself, if I decide to stay behind because I don't have the strength to go on, I'm going to be left alone because none of the others knows me. Nobody is going to stay back with me. So I tried to find the strength from I-don't-know-where to keep up with them. So I think that if that person [the young man who died] had really gotten weak, I don't know, it might just be that his own body just couldn't take it. So I believe, in my theory it's not anyone's fault.

Spener: Might this event have a negative impact [*puede perjudicarlo*] on the coyote?

Julián: Well, yeah. But it's like I've been trying to explain to you, if it's true what they told me, it wasn't his fault because he was trying to save the ones he took on ahead with him and he was sending help for the ones they'd left behind. So I think he tried to help them equally. He'd lose a bit more credibility in my eyes if he hadn't tried to help the people who stayed behind.

Spener: You told me before that sometimes the coyotes lie about how far you're going to have to walk. In this case, would your opinion be different if the coyote had lied about how far they were going to walk?

Julián: No, because like I told you, it's happened to me almost every time I've gone that they tell you it'll just be one day and really it's two. So practically everyone has in their mind that it's going to be more than they tell you. Almost all of us are aware of this.

Julián offered some additional information that was especially telling. The coyotes in El Alto continued to take people from the region across the border and continued to receive new customers. And if Julián decided to go back to Texas, he would probably travel with these coyotes again. When I asked him, somewhat incredulously, if he would ask the coyotes about the man's death to get a more complete explanation before heading north with them, he had the following to say:

Well, I'd have to go with them to know for sure, to see. I probably wouldn't ask them about it here. I'd probably ask that they tell me about it out in the *monte*, because that's when you talk most about these kinds of things. Like what happened that time with the guy who was with you? Things like that. Out in the *monte* [brush] is when I'd ask them. But if I see that people keep going with them, then what they've said about them isn't necessarily true.

Julián's hesitancy to blame his coyotes for the death of the man from a neighboring village runs contrary to the way that coyotes are typically portrayed by government authorities and the press as ruthless criminals who operate with little regard

for the health and well-being of the migrants that travel with them. Julián was not the only migrant I interviewed who were reluctant to hold coyotes uniquely responsible for migrant deaths on the trail, contrary to repeated assertions by the authorities that such deaths resulted directly from the callousness with which “smugglers” treated their “merchandise.”²⁶

On the Price of Clandestine Travel to the USA

One of the open questions about US policing of its border with Mexico has to do with how far the costs of entering the country clandestinely will have to rise before migrants will desist from making the attempt. The costs of hiring a coyote to get across the border grew dramatically for Julián between the time he made his first trip to Texas in the mid 1990s and when he made his most recent trip in 2004. In 1994, his brother had paid a coyote just \$500 to take him to Dallas. On his last trip he had paid \$1400, nearly three times as much. When I asked Julián how much money he would be willing to pay the next time he had to go to the USA, he had the following to say:

Spener: How much would you be able to pay? The Chinese, for example, sometimes pay as much as \$50,000 to be taken to the United States. Right now, you’re not even paying one-tenth of that amount.

Julián: I would never pay that much. I’d only pay as much as I’d have to, depending upon my need. Right now it seems a lot to me to pay even \$1000 because, thank goodness, I don’t really need to go up there now. The last time I needed to go, \$1400 didn’t seem like that much to pay, first because I really had to go and second, I had some money owed to me and I wasn’t going to have to go into debt to make the trip.

Spener: So far, then, you’ve been able to pay whatever they’ve charged you. So, do you think that people will keep going in spite of the cost?

Julián: I do. I just think it depends on how badly the person needs to go.

One of the main things that Julián and Hilda’s experiences demonstrated was that the nearly threefold increase in coyote fees over the course of a decade had not yet produced a situation that prevented Julián from traveling to the USA to work when family finances required him to do so. The informal system of kin-based credit available to them owing to the presence of close relatives in the USA was still capable of lending money in sufficient quantity and on favorable enough terms to meet the increased costs of clandestine travel.

On the Possibility of Participating in a Guest-Worker Program

Although coyotaje continued to work as a viable migration strategy in spite of the build-up of US force at the border, Julián made it clear to me that some form of legal migration option would be vastly preferable to the way he and his family had been

²⁶For a more extensive discussion of this phenomenon with regard to coyotaje, see Spener (2009).

managing their cross-border existence to date. He was familiar with the existence of the H-2 agricultural guest worker program and of the proposals that were being made in the USA to have some sort of new, larger scale temporary work visa program for Mexicans like him. Not surprisingly, he found the idea of participating in a program like this to be an appealing alternative to the precarious sojourns he had been making north of the border as an *indocumentado*. He saw it as a way for him to make sufficient money to support his family without having to be away from them for such long and uncertain periods of time.

Spener: They're proposing a new kind of bracero program so that Mexicans could go to the United States with a three-year contract or something like that. Would you be interested in this kind of a program?

Julián: Sure, I'd be interested in something like that. Like I was telling you, I was very happy to be working up there. I remember when I was doing yard work a friend told me that people were getting these permits to go work up there for nine months. And I said that's what I wanted to do, to be able to go there and work for a while and then come back here to rest for a while. I'm always going to be working to support my family. I'd rather have some kind of permit so I could go up there for seven, eight, or nine months and then be back here with my family for three or four months without having to work. It'd be great to have a permit that would let you go back and forth without any problems. I'm really envious of the people I know who have papers. It only costs them \$100 to make the trip. And even if I have \$200, what I'm going to do with that? That's not nearly enough for me to make the trip! I really wished I could have had one of those permits so I could come down here to see my family for the week-end and then be able to go right back to work up there.

Epilogue

The conditions for Mexican migration to the USA changed markedly since I last spoke with Hilda and Julián in early 2006. Another dramatic increase in US border enforcement began later that year, with the addition of thousands of new Border Patrol agents (now numbering approximately 20,000), the assignment of National Guard troops to assist the Border Patrol in monitoring the international boundary, the walling of previously unfortified stretches of the border, and the deployment of aerial drones and other remote surveillance technologies to detect unauthorized entries by migrants and drug smugglers. In addition, the cultural and political hostility towards Latin American migrants has grown considerably worse. Political stalemate in Washington has, to date, prevented the advance of immigration reform legislation in the Congress. In spite of the new Obama administration's professed support for creating a path to legalization for the undocumented residing in the USA, the Department of Homeland Security under his leadership has deported hundreds of thousands of migrants annually, most of them Mexicans and other Latin Americans, in a policy not terribly different from the "enforcement through attrition" strategy advocated by anti-immigrant groups. The economic crisis brought about by the collapse of the US housing market in 2007 and 2008 led to a drastic decrease in the demand for migrant labor in construction and in many of the service industry jobs in which migrants have been concentrated.

In response to these changes, as well as the conditions of violence in northern Mexico spawned by the Calderón administration's frontal attack on drug trafficking organizations, net Mexican migration to the USA has fallen to levels not seen since the Great Depression. It remains to be seen whether Mexican migration to the USA will rebound if and when the US labor market returns to its pre-crisis dynamism. What is clear, however, that the conditions of structural and cultural violence that inflicted so much suffering on Hilda, Julián, and their children have intensified considerably in recent years. New ethnographic research will be required to see precisely how these forms of violence are affecting Mexican migrant families today and what strategies migrants are developing to cope with the situation they now face.

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Chapter 8

Immigration Restrictions and Political Mobilization Among Second-Generation Iranian Immigrants in the USA

Mohsen Mostafavi Mobasher

Abstract After the September 11 attacks in 2001, some Islamic Mosques were vandalized, hate crimes against Muslims increased, thousands of Muslim men were placed into deportation proceedings, and civil rights for Middle Eastern and Muslim Americans were violated. Moreover, a majority of anti-terrorist policies and initiatives executed during the first year after 9/11 targeted Arabs and Muslims. Much like other Middle Eastern immigrants since 9/11, Iranians have been victims of discrimination, prejudice, hate crimes, and racial profiling because of their national origin and the political tension between Iran and the USA. In response to the legal changes, discriminatory immigration practices, and violation of civil rights after 9/11, instead of hiding, second-generation Iranian advocacy groups and organizations responded to this backlash through political activism and legal challenges. This chapter describes the various ways young second-generation Iranians sought to become politically engaged to protect their civil liberties, receive legal assistance for immigration issues, and oppose discriminatory policies. Since then, Iranian immigrants matured politically and gained a new perspective on political processes in the USA. Whereas first-generation Iranians remain politically divided, preoccupied with political events in Iran, and in search of support for their political causes, second-generation Iranians are gradually socializing into American political institutions and are working to enter mainstream politics in the USA. They are not only working to protect the civil rights of naturalized Iranians in the USA but also to reclaim, retain, and redefine the Iranian ethnicity that has been under attack for the last 35 years.

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Introduction

The attacks on September 11, 2001 fundamentally changed the course of life for Muslims and Arabs in the USA. Despite public denunciations of the 9/11 attacks by Arab and Muslim organizations and community leaders, Islamic Mosques were vandalized, hate crimes against Muslims increased, thousands of Muslim men were placed into deportation proceedings, and others were arrested in an array of terrorism cases. To avoid mockery, to protect themselves against hate crimes and stigma attached to being a Muslim, and to avoid discrimination in the job market, many Muslim women were warned to remove their headscarves in public and many more Muslims changed their names, making Mohammed “Moe” and Osama “Sam.” In addition, a large number of families left the USA for Canada or returned to their native countries (Andrea Elliott 2006). Many more who looked Middle Eastern or Muslim, whatever their religion or national origin, were targets for American anger and vengeance. Few days after 9/11, a Sikh in Arizona, a Pakistani in Texas, and an Indian in Texas were murdered (Bakalian and Bozorgmehe 2009).

Introduced with the stated goal of stopping terrorism, a few weeks after 9/11 the US government outlined a series of policies that targeted immigrants from the Middle Eastern and Islamic countries. As Bakalian and Bozorgmehr (2009) argued, instead of stopping terrorism, these policies and laws legitimized the backlash in the eyes of the American public. With the passage of the USA PATRIOT (Uniting and Strengthening American by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act of 2001, Middle Easterners and South Asians in the USA lost certain legal protections and civil rights. Howell and Shryock (2003) noted that in the aftermath of 9/11 Arabs were compelled to apologize for acts they did not commit and were forced to distance themselves from Arab political movements, ideologies, causes, religious organizations, and points of views that are at odds with US policy.

Between September 17, 2001 and February 21, 2007, the American government enacted 62 different initiatives to fight terrorism and strengthen the security of the USA (Bakalian and Bozorgmehr 2009). More than two-thirds of the policies and initiatives developed and implemented during the first year after 9/11 targeted Arabs and Muslims (Cainkar 2004). The “anti-terrorist” policies and initiatives executed since the September 11 attacks had a profoundly negative impact on Arabs and Muslims in the USA.

To enhance domestic security, a few months after the 9/11 terrorist attacks the US House of Representatives and Senate unanimously passed the Enhanced Border Security and Visa Reform Act, which President Bush signed into law on May 14, 2002 (Cainkar 2004). This Act prohibited the issuance of non-immigrant visas to citizens of the seven countries (Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria) listed as state sponsors of terrorism by the US Department of State. The other provisions of this Act included calls for the integration of INS databases, the development of machine-readable visas, the requirement that all airlines submit the list of passengers who have boarded planes bound for the USA to officials, and stricter screening and monitoring of foreign students (Cainkar 2004).

In addition to the Enhanced Border Security and Visa Reform Act, the Department of Justice, Immigration and Naturalization Service (INS) implemented the National Security Entry-Exit Registration System (NSEERS) on September 11, 2002. Among many requirements of the Special Registration program, which included fingerprinting and photographing of “high-risk” foreign visitors upon their arrival in the USA, reporting to INS offices within 30 days and annually for re-registration, and notifying INS agents of their departure, was an INS requirement for the registration of noncitizens from 23 designated foreign countries, predominantly Muslim countries plus Eritrea and North Korea (Cainkar 2004). Although no nationals from Iran, Iraq, Libya, Sudan, and Syria were involved in the September 11 attack, NSEERS included these countries in the program and subjected legal residents who were not US citizens to the special registration. By June 2003, as many as 82,880 individuals living in the USA and another 127,694 persons at their US Port of Entry had been registered. Of all the registrants who were living in the USA, 13,434 were placed in removal proceedings for violations of their visas (Cainkar 2004).

Much like other Middle Eastern immigrants since 9/11, Iranians have been victims of discrimination, prejudice, hate crimes, and racial profiling because of their national origin and the political tension between Iran and the USA. For Iranian immigrants, the new 9/11 security measures and the discrimination and prejudice against Middle Eastern and Muslim immigrants seemed like *déjà vu*. Iranian immigrants in the USA had been the target of prejudice and discriminatory acts long before the events of September 11. In November 1979, after a group of militant students stormed the American Embassy in Iran and took 52 Americans as hostages, Iranian immigrants in the USA experienced a massive wave of anti-Iranian sentiment and discriminatory practices across the country. After the seizure of the Embassy in Iran, President Carter described Iran as an “extremist,” “terrorist,” and “fanatical” country dominated by a “crazy group” of mullahs (Gerges 1997, 70). He instituted the Iranian Control Program, which screened close to 57,000 Iranian students in the USA. Reminiscent of the above, President Bush charged that Iran (along with Iraq and North Korea) was part of a global “axis of evil” in his State of the Union speech on 29 January 2002 (Bahgat 2003).

In response to the legal changes, discriminatory immigration practices, and violation of civil rights after 9/11, instead of hiding, much like some Middle Eastern and Muslim groups in the USA, second-generation Iranian advocacy groups and organizations responded to the post-9/11 backlash through political activism and legal challenges. Before discussing such activity, however, it is necessary to discuss the demographic characteristics and history of Iranian migration to the USA.

Migration Trends and Demographic Characteristics of Iranian Immigrants

The migration of Iranians to the USA has a relatively short history, and Iranians are among the most recent immigrant groups in this country. Most Iranian immigrants came to the USA after the 1978–1979 Islamic Revolution and the overthrow of the

Pahlavi Dynasty in Iran. Between 1921 and 1950, a total of 1816 Iranian residents immigrated to the USA (or about 60 per year); between 1951 and 1970, the total was 13,727, or about 686 per year (2003 Yearbook of Immigration Statistics). During the 1970s, the number of Iranian immigrants who were admitted to the USA rose steadily to 4513 per year, and reached 10,410 annually in 1980 (Statistical Yearbook of the Immigration and Naturalization Service 1978–1986). A significant number of Iranians who immigrated to the USA during this period were students who changed their status and obtained permanent residency or green cards through kinship ties, marriage with a US citizen, or occupational preferences after their arrival.

Various factors in Iran contributed to the migration of Iranians. Economic growth and the explosion of oil revenues were perhaps the most important contributing factors before the revolution. Accelerated growth of the Iranian economy and increasing investment of the Iranian government in industrialization and modern technology, coupled with Iran's lack of skilled workers and higher educational institutions for training, pushed many Iranian students to emigrate to advanced industrial countries such as the USA for the purpose of continuing their education.

The Iranian Revolution drastically changed the pattern and the nature of Iranian emigration to the USA. In 1978 and 1979, during which revolutionary upheaval began and the monarchy fell in Iran, over 190,000 non-immigrant visas were issued for Iranian students and tourists. Of this number, only about 46,000 (24 percent) were students. The rest were either members of the ruling class and religious minorities who left Iran for various political and social reasons, or individuals and families who left the country for the fear of an uncertain future (Mobasher 2012).

During the first few years following the Iranian Revolution, the migration of Iranians immigrants and non-immigrants to the USA declined sharply. The significant reductions in the volume of migration from Iran shortly after the revolution were mainly related to the tightening of controls on leaving the country by the new Islamic regime, the hostage crisis and closure of the US Embassy, the subsequent difficulty in obtaining a US visa for Iranians, and the cancellation of all visas issued to Iranians as announced by President Carter. The most distinctive feature of the post-revolutionary migration trends of Iranians to the USA is sharp increase in the number of Iranians who were granted refugee or asylum status.

Overall, compared to the pre-revolutionary and the revolutionary periods, the post-revolutionary emigration of Iranians is more complex in nature and involves a more heterogeneous group from a diverse sociocultural background, religious affiliation, political orientation, family situations and age distributions. In terms of professional training, the post-revolutionary Iranian immigrant group is composed of many high-level experts and specialists in various scientific and technical areas, industrialists or manufacturers, entrepreneurs, writers, painters, film makers, journalists, and self-employed professionals. In terms of political orientation, it includes members of the former leading political classes who held positions as members of Parliament, ministers, high ranking officers, post-revolutionary alienated intellectuals, and both Marxist and non-Marxist activists. Overall, between 1980 and 2008, approximately 332,198 Iranian immigrants from various socioeconomic, religious,

and political backgrounds have entered the USA for a variety of reasons. Notwithstanding the significant decline shortly after the revolution, an average of 11,864 immigrant and 22,635 non-immigrants from Iran have entered the USA annually since 1980 (Yearbook of Immigration Statistics 1986–2008).

According to the census reports, there were 422,664 individuals of Iranian heritage living in the USA in 2008. This constituted 0.14 percent of the total population of the USA. Close to 36 percent of Iranian immigrants could be classified as second-generation, having been born in the USA. Young people are disproportionately overrepresented in the Iranian population in the USA. In addition, 2006–2008 American Community Survey (ACS) data indicate a high rate of economic activity and labor force participation (US Census 2009). About 64.5 percent of Iranians 16 years old and over are employed in the civilian labor force.¹ Except for the approximately 4 percent unemployed, almost all the remaining 61 percent are in the civilian labor force with slightly more than half (53.4 percent) concentrated in management and professional occupations.

The pattern of occupational concentration for Iranian men and women is considerably different. Slightly over 55 percent of Iranian men are employed in managerial, professional, and related occupations, followed by sales and office occupations (25.6 percent); production, transportation, and material moving occupations (7.0 percent); construction, extraction, maintenance, and repair occupations (6.1 percent); and service occupations (6 percent). Like men, about half (50.8 percent) of Iranian women in labor force are engaged in management and related occupations. Unlike men, however, a much larger percent is concentrated in sales (31 percent) and service occupations (15 percent), and a much smaller percent (2.8 percent) in production and transportation.

Overall, slightly over half of all Iranians in the USA are employed in management and professional occupations such as computer, architecture, engineering, health care, legal, educational, and community and social science occupations. The high concentration of Iranians in professional occupations is consistent with their remarkable and unusually high level of educational training. More than 50 percent (58.5 percent) of Iranians over 25 years of age have a bachelor's degree or higher and another 18 percent have either an associate degree or some college education but no degree. This exceptionally high level of education is largely a result of the heavy influx of Iranian students to the USA in late 1970s and early 1980s. Furthermore, the 2006–2008 ACS data show that many Iranians in the USA are quite affluent, living comfortable lives. The median household income for Iranians in 2008 was \$69,377. The family income of Iranians is even more impressive than

¹ 2006–2008 American Community Survey report provides data for all Iranians and Iranian women 16 and over in the labor force. The employment rate for Iranian men was calculated and inferred from S0201 Selected Population Profile in the United States for Iranians. According to the 2006–2008 American Community Survey reports published by the US Census Bureau 176,824 of the 340,124 Iranians were comprised of men and the remaining 163,300 were women aged 16 and over. Nearly 70 percent (122,206) of Iranian men and 54.7 percent (89,488) of Iranian women aged 16 and over were employed in the civilian labor force in 2008.

their household income. With a median family income of \$86,087 in 2008, Iranian families rank among one of the most affluent immigrant groups in the USA.²

Their fairly high income has affected Iranian's settlement patterns in the USA and has led to home ownership in predominantly middle and upper-middle class neighborhoods of major US cities. As described in the 2006–2008 ACS reports, nearly 62 percent of Iranian immigrants are homeowners and live in properties with a median value of \$553,800. In addition, Iranians show a remarkable degree of English proficiency, undoubtedly linked to their high level of education. Despite the fact that 74.7 percent of Iranians speak a language other than English at home, only 28.1 percent of Iranians over the age of five report that they speak English less than “very well.”

Despite this impressive human capital and remarkable socioeconomic status, since the Iranian revolution and the hostage crisis in 1979, Iranian immigrants have been victims of hostility, prejudice, and ongoing discrimination in retaliation for the political behavior of their government.

The 1979 Hostage Crisis, Iranian Control Act, and the Backlash against Iranian Immigrants

On November 4, 1979, a group of militant students in Iran seized the American Embassy in Tehran and took 52 Americans as hostages for 444 days. The occupation of the American Embassy created a massive wave of furious anti-Iranian backlash across the country. Americans organized hundreds of demonstrations and protests in US cities from coast to coast to vent rage against Iran and Iranian immigrants. Newspaper accounts chronicle these activities (Houston Post 1979a, b). Many American protestors burned a replica of an Iranian flag and carried signs reading “Deport Iranians,” “Send in Marines,” “Death to Khomeini,” “Bomb Iran,” “Give American Liberty or Give Iranian Death,” and “Go Home Dumb Iranian.” Immediately after the hostage crisis, hate crimes and discrimination against Iranian immigrants increased on many college campuses, universities, and other public and private places. At the Reno campus of the University of Nevada, a group of about 80 Americans—some waving flags, others brandishing beer bottles and golf clubs—confronted about 30 Iranian students. Also, a St. Louis man was arrested after police said he pointed a loaded shotgun at a telephone operator at St. Louis University and demanded the names of Iranian students. An Independent School District Trustee in Houston refused to admit Iranian students to school.

In Greenville, SC, the school board of a 2-year college voted to bar Iranian students from classes during the quarter after the hostage crisis if the American hostages were not released. State universities in Louisiana and New Mexico refused

²The US Census Bureau defines a household as all the people who occupy a housing unit as their usual place of residence and a family as a group of two or more people who reside together and who are related by birth, marriage, or adoption.

enrolling Iranian students (Rubin 1980). The Mississippi legislature passed a bill doubling the tuition for Iranian students attending public universities in that state (Rubin 1980). Local radio and television programs expressed and incited anger and hostility by encouraging callers to boycott Iranian-owned businesses and to carry anti-Iranian bumper stickers. Various petitions calling for the USA to strike back by taking political and economic action against Iran were circulated by individuals, politicians, and organizations. Between 20,000 and 30,000 people signed the "Iranian Eviction Petition," circulated by an independent businessman in Houston, calling for deportation of Iranian students with expired visas, deportation of Iranian military personnel, an end to welfare aid for Iranian students, and confiscation of all Iranian assets in the USA (Houston Post 1979c).

On November 13, 1979, on President Jimmy Carter's order, Attorney General Benjamin Civiletti published regulations giving Iranians 1 month to report their location and visa status to the closest US Immigration and Naturalization Service office in their area. Students were interviewed by immigration authorities and were asked to provide their school location and documents showing they were full-time and their tuition had been paid. After the initial stage of interview examination with INS officers and determination of their status, violators were scheduled for a hearing before an immigration judge for deportation. Students with visa violations were accorded due process of law with the opportunity to take their cases to the Board of Immigration Appeals and on up the ladder through federal district and appeals courts.

Within a week after Carter ordered INS to check the status of Iranian students in the USA, an estimated 4000 students were interviewed (Houston Post 1979d). Two weeks later, the number of Iranian students who reported to the INS reached 35,584. Of this number, 4,592 were found to be deportable, 536 of whom agreed to leave voluntarily and another 326 applied for political asylum. Several months after Carter's order, about 56,694 students had reported to immigration officials and 6,906 had been found not in compliance with immigration regulations and deportable (Houston Post 1980b). Another 3,000 students were under examination and 9,000 others who refused to report to immigration authorities were sought (Houston Post 1980a). INS found 6,906 Iranian students to be out of legal status and in violation of their visas. Some had overstayed in the country without applying for an extension (Houston Post 1980b).

Eric Lieberman, an American attorney for the National Emergency Civil Liberties Committee and the Confederation of Iranian Students with support from the American Civil Liberties Union, filed two class action lawsuits on behalf of Iranian students and challenged President Carter's order that the visas of Iranian students be reviewed by Immigration and Naturalization Services (Houston Post 1979e). A federal judge overturned President Carter's order and ruled that the roundup and crackdown on Iranian students in the USA illegally were unconstitutional and must be halted (Houston Post 1979f). According to US District Judge Joyce Green, singling out the Iranians for possible deportation was unfair and violated the equal protection guarantee of the Fifth Amendment. Judge Green said the classification

was based on national origin and noted that it violated the equal protection clause of the Constitution because it singled out Iranians for investigation.

To stay the judge's ban, however, the Justice Department filed a motion with the US Circuit Court of Appeals for the District of Columbia. Government lawyers argued that the ruling of the judge was a serious and unwarranted intrusion by the judiciary and asked the appeals court for a full appeal of her decision ([Houston Post 1979c, g, h](#)). In the administration's view, the federal trial judge was wrong to hold the deportation program unconstitutional. They urged the three-judge panel of the US Circuit Court of Appeals to rule that in this "time of international crisis" the government had the right to single out Iranian students and deport those who were in the USA illegally ([Houston Post 1979h, i](#)).

In December of 1979, about a month after the hostage crisis, Carter also ordered Iran to reduce the size of its diplomatic staff in Iranian embassies in the USA from 150 to 35 persons. Four months later, on Monday April 7, 1980, President Carter gave a 36-h expulsion notice for all Iranian diplomats ([Houston Post 1979j](#)). In addition to deportation of Iranian diplomats, all the 203 Iranians undergoing pilot, navigation, and other technical military training at seven US Air Force Bases in Texas, Mississippi, California, and Colorado were first restricted to the classroom and the flight simulator and then ordered to leave the country ([Houston Post 1980c](#)). The expulsion of Iranian diplomats and military trainees from the USA was one element of the four-part program Carter announced for applying pressure on Iran. The other parts of the program included new trade sanctions against Iran, a freeze of all Iranian government assets in the USA, and tighter restrictions on visas for Iranians desiring to come to the USA, including revocation of visas for Iranians who had already entered the country ([Houston Post 1980d](#)).

Prior to the hostage crisis, Iran and the USA had very strong economic, political, and cultural ties and Iran was viewed as a close US ally in the Middle East. The hostage crisis created new negative images of Iran, Iranians, Islam, and other Muslim immigrants. In a Gallup Poll conducted in June 1976, 2 years prior to the Iranian Revolution, 37 percent of Americans gave Iran low ratings ([Gallup 1977](#)). In a poll taken about 1 year after the Iranian Revolution, 60 percent of Americans viewed Iran as an enemy of the USA and 34 percent viewed Iran as an unfriendly country. In 1989, a decade after the Iranian revolution, a poll showed that the number of Americans who held an unfavorable opinion toward Iran had increased to 91 percent ([Gallup 1989](#)). Seven years after hostages were released, a majority of Americans believed that Iran was the only "enemy" country compared to 39 percent who considered the only "enemy" to be the Soviet Union ([Gallup 1989](#)).

In another poll, over half of the respondents cited hostages, Khomeini, oil, the Shah, anger, hatred, trouble, and troublesome country as coming to mind when Iran was mentioned. Moreover, close to half of the respondents described "all" or "most" Muslims as "warlike" "bloodthirsty," "treacherous," "cunning," "barbaric," and "cruel" ([Gerges 1997](#)). Edward Said's (1997) critical evaluation of "the Iran story" argues that, after the hostage crisis, a continuous cycle of TV news programming represented the Iranian people, culture, and religion as "militant, dangerous, and anti-American."

9/11 and New Waves of Discrimination Against Iranians

The horrific September 11, 2001 attack on America was another sad turning point in the migration history of Iranians in the USA. Despite their innocence (not a single piece of evidence exists regarding their involvement in this hideous act), once again Iranian immigrants in the USA were subject to new forms of discrimination, prejudice, and civil rights violations. Once more, the US government targeted Iranians as a suspect immigrant group. Negative images of anti-Iranian and anti-Muslim xenophobia that had long been present within American culture and media were reactivated and explicitly verbalized in social settings as well as in the remarks of religious leaders and political figures in the USA.

Results of a public opinion poll taken after the September 11 attack indicated that 27 percent of Americans considered Iran as the country that posed the greatest danger to the USA (The Pew Research Center for the People and the Press 2006). Respondents to this poll considered Iran a greater threat to the USA than China (20 percent), Iraq (17 percent), North Korea (11 percent), or even Al Qaeda terrorists (4 percent). The results of The Harris Poll conducted in March 2006 indicate that an overwhelming majority (85 percent) of Americans believe that Iranian nuclear research is a cause for concern (Harris Interactive 2006). Nearly 65 percent of Americans believe that Iran's nuclear program is a major threat to the USA and another 82 percent believe that a nuclear-armed Iran would be likely to provide nuclear weapons to terrorists (The Pew Research Center for the People and the Press 2007). In a 2006 Washington Post/ABC television network poll, Americans were asked if they would support US bombing of Iran's nuclear sites if diplomatic efforts and economic sanctions fail. While 42 percent of Americans were in favor of the bombing, 54 percent opposed it (Deane 2006). Asked if it would be responsible or irresponsible for the USA to have war plans for Iran already prepared, 67 percent responded affirmatively. Another 47 percent think the USA will eventually have to take military action against Iran.³ In case of a military attack, 54 percent of Americans supported only air strikes and another 42 percent supported using air strikes and ground troops.

According to Banafsheh Akhlaghi, the Western Regional Coordinator of Amnesty International and founder of the National Legal Sanctuary for Community Advancement, after 9/11 many Iranians experienced a surge in firing, deportation, delayed naturalization process, harassment at the airport, unequal treatment at work, improper workplace background check, unwarranted FBI interrogation and surveillance, deportation, and security clearance denials and revocations (Payvad's Iran News 2003).

In 2004, the Executive Director of The National Iranian American Council (NIAC) said that her office in Washington DC received reports of five cases of discrimination against Iranians a day. Due to the extent of reported instance of abuse

³ PollingReport.com; <http://www.pollingreport.com/iran.htm> and Blanton (2006).

and discrimination against Iranians and their vulnerability, US Representative Marty Meehan sponsored US House Resolution 367, condemning discrimination and bigotry against Iranian Americans (Pacific News Service 2004).

As indicated earlier, in an effort to fight against terrorism and to enhance domestic security immediately after 9/11, the US government initiated the National Security Entry Exit Registration System (NSEERS), otherwise known as “special registration.” NSEERS targeted persons of suspect nationalities from 26 Middle Eastern and south Asian countries (including in Iran) and ordered males between the ages of 16 and 65 who entered the USA by September 10 of 2002 to register with the Immigration and Naturalization Services (INS) and report their whereabouts within 30 days of arrival and annually afterwards. Many groups, including the American Civil Liberties Union, the Association of Immigration Attorneys, the Asian American Legal Defense and Education Fund, the Muslim Public Affairs Council, the Iranian-American Bar Association, Japanese American Citizens League, and Not in Our Name denounced the registration process ([Iranian American Bar Association 2002](#)).

In Southern California, after approximately 1000 Iranians voluntarily registered, US immigration officials handcuffed, arrested, and detained as many as 700 men in Los Angeles, which has the largest Iranian-American population, and another 200 in Santa Ana. Although the order was directed at immigrants on temporary visas, many Iranians arrested, however, had green card applications pending and assumed they were protected under the law while they waited for the INS to finish processing their paperwork ([Iranian American Bar Association 2002](#)). According to the Iranian American Bar Association, the INS filled jails and transferred detainees to outlying detention centers, to federal lockups in Arizona, and to other INS facilities at the USA–Mexico borders. This made it impossible for lawyers or family members to contact those in custody or even know their whereabouts. Testimonies and accounts of some of the detainees and their family members and lawyers about treatment by INS officers were posted at an internet site on January 12, 2002. In one center, the detainees were ordered to strip down and given a strip search. They were only provided with a prison jumpsuit without any underwear, socks, and blankets. According to this website, “Some detainees were hosed down with cold water and then left to sleep on concrete floors” ([Revolutionary Worker 2002](#)).

Iranians organized a large protest in Los Angeles to condemn such treatment of Iranian immigrants who were arrested after voluntarily reporting for registration. According to CNN, about 2000 Iranian Americans carried signs reading “Detain terrorists, not innocent immigrants” and “What is next? Concentration Camp?” and protested peacefully outside the federal building in west Los Angeles, the home for the largest Iranian population in exile. Iranian activists and lawyers were outraged by the treatment of Iranian detainees and worked very hard to represent Iranian nationals and protect their civil rights. In a letter to the acting director of the INS in Los Angeles, the Alliance of Iranian Americans expressed their frustration and outrage for the maltreatment of “defenseless Iranian immigrants, who were arrested without legitimate justifications” ([Alliance of Iranian Americans 2002](#)).

In cooperation with other organizations, including the American-Arab Anti-Discrimination Committee (ADC), the Council on American Islamic Relations

(CAIR), and the National Council of Pakistani Americans (NCPA), the Alliance of Iranian Americans on December 24th filed a class action lawsuit in Federal Court, challenging the registration. In response to the lawsuit, Justice Department lawyers argued that the lawsuit should be thrown out because the court lacked the jurisdiction to review INS decisions regarding detentions. According to the government attorneys, that power is reserved for the US Supreme Court.

NSEERS also complicated and minimized cultural exchanges with Iran by banning some Iranian scholars, musicians, filmmakers, and artists from coming to the USA, and it deprived members of Iranian immigrants from visiting with their immediate family members. Moreover, hundreds of Iranian professionals were unable to continue to work in the US and medical treatments in the U.S. were discontinued. Overall, the new immigration regulations made it very difficult for Iranian applicants to receive a visa. In August 2006, dozens of Iranian professional men and women heading to a university reunion in Northern California were barred from entering the USA in Chicago, New York, and San Francisco and were returned back to Iran. Visas of additional alumni from Iran were revoked under a 2002 national security law. Some of the visitors were detained at San Francisco International Airport, and some were held overnight in rooms with “jail conditions” (Watanabe and Romney 2006).

In addition to the thousands of ordinary Iranian citizens who subject to such actions, several well-known individuals were also unable to enter. For example, Abbas Kiarostami (an internationally esteemed Iranian film director who has written and directed more than 30 films and won the prestigious Palme d’Or at the Cannes film Festival for his 1997 movie, *A Taste of Cherry*), was denied a visa to enter the USA to attend the 2002 New York Film Festival for screening of his film (Marlowe 2002).

Another acclaimed Iranian film director, Jafar Panahi, had the following experience during a stopover in New York City while en route from Hong Kong to a film festival in South America (Akrami 2014):

...en route to Mar del Plata Film Festival in Argentina, his flight made a transit stop at New York’s JFK Airport. The customs officials insisted that he submit to fingerprinting before he was allowed to board his connecting flight. Panahi vehemently refused to comply. He later told me he kept repeating ‘Me artist, no finger’ in his broken English. He was arrested, held in chains overnight, and deported back to Hong Kong, where his flight had originated from. Despite the humiliating treatment, Panahi was content that he had not submitted to a law he thought was absurd and discriminatory.

Post 9/11 Immigration Restrictions, Anti-terrorist Initiatives, Civil Rights Violations, and Political Mobilization among Second-Generation Iranians

The political reaction of Iranians after 9/11 was considerably different than was the case during the hostage crisis. Unlike their first-generation parents who largely submitted to the sanctions and discriminatory practices during the hostage crisis, the

young second-generation Iranians actively opposed the new post 9/11 immigration sanctions that targeted Iranians and other Muslim groups.

The sanctions on Iran and Iranians imposed by the US government after the hostage crisis remained largely unopposed and unchallenged. Except for the lawsuit filed by Iranian students against Carter's immigration restrictions, no other major legal challenge to the legal and economic sanctions against Iranians emerged. The passive reaction of Iranian immigrants during the hostage crisis was due to several important factors:

- The Iranian community was sharply divided politically and lacked a united voice.
- Many were new immigrants and lacked political power and legal rights as US citizens.
- As new arrivals, the majority of Iranians faced stressful cultural adjustment and were still getting their bearings regarding social status.
- These new immigrants had limited knowledge of the host culture and its political structure.
- Immigrants' preoccupation with the Iranian Revolution and its sociopolitical consequences for them and their family and friends in their home country.

It was not until the 9/11 attacks and the beginning of a new wave of anti-Iranian discrimination that Iranian immigrants became politically awakened and started to defend their civil rights and liberties. Despite its terrible consequences, the new post-9/11 immigration policies and the substantial rise in the level of discrimination and prejudice against Iranian nationals expanded the horizons of Iranian immigrants in the USA, inspired many first-generation Iranians to be united and participate in the political processes of their host society, and motivated many second-generation Iranians to become politically empowered and strongly oppose and condemn the new immigration regulations.

September 11 also led many Iranians to learn more about the American political system and to realize the power of their vote. The initial feelings of vulnerability and helplessness in this group of immigrants, coupled with an understanding of the American political system and their legal rights as US citizens, propelled many ordinary and prominent members of Iranian community to find effective vehicles for political action and political mobilization across America. Many Iranians reached out to their local congressional offices for legal assistance for immigration issues. Others formed public relations groups and national organizations in Washington D.C. and California, and contacted members of the US Congress in Capital Hill and lobbied for protection of civil liberties of Iranians in the USA. These actions at both local and national levels were a major step in challenging the profiling and suspicion of Iranians, creating a crucial vehicle for political mobilization, empowerment, and civil right protection of Iranian immigrants in the USA.

Since 9/11, many new cultural centers, political advocacy and action committees, informational websites, and student organizations have been established. Many Iranian Americans began engaging in political processes in their communities and ran for office. A large number of Iranian youth who had limited knowledge of and

interest in their cultural heritage before 9/11 became motivated to better understand their background. The most notable change has been a significant rise in the active political participation of second-generation Iranians at local and national levels. After the 9/11 attacks, Iranian activists established a number of nonprofit, nonpolitical organizations, such as the National Iranian American Council (NIAC), Persian Watch Center, Iranian American Political Action Committee (IAPAC), Iranian American Bar Association (IABA), and National Legal Sanctuary for Community Advancement (NLSCA). Through these institutions, Iranians organized meetings with government officials and civil right experts to discuss their concerns.

Most of these grassroots advocacy organizations were founded by second-generation Iranians primarily for combating anti-Iranian legislation and immigration policies, protecting Iranian immigrant civil liberties, and enhancing their personal and social identity. They also educate members of the Iranian community and provide them with helpful information about their legal rights. Through public immigration forums, these organizations bring members of US Citizenship and Immigration Offices together with leading Iranian American legal advocates to discuss the general concerns of Iranians regarding the post 9/11 new immigration policies, FBI background checks, delays in the processing of immigration cases, and deportation and removal proceedings. Furthermore, they aim to selectively reconstruct a new depoliticized Iranian American ethnic identity that binds together a Persian pride rooted in the Iranian cultural heritage and the American civic identity based on notions of democracy, freedom, and liberty. Finally, these organizations encourage Iranians to take advantage of their citizenship rights and be more active and visible in the American political scene. In more recent years, these organizations have strongly encouraged Iranians to take a more active role in American politics and have acted to help prevent any potential conflict between Iran and the USA.

Conclusion

According to Portes and Rumbaut (2006), the political concerns and orientations of first-generation immigrants reflect a complex combination of factors in the origin and destination nations. In addition to specific events in both countries, factors such as past political socialization and interest in returning help to shape an immigrant's political perspective. Depending on the interaction between such forces as the characteristics of the sending countries and the contexts of reception, Portes and Rumbaut (2006) maintain that immigrants may choose between several sets of political activities. They may passionately commit themselves to political causes in the home society either to support or to oppose an existing government, they may act as overseas representatives of their government, or they may turn away from home and concentrate on establishing a new life in their new nation. In the over a decade that has passed since the 9/11 attacks, Iranian immigrants have matured politically and have gained a new perspective toward political processes in the USA. Nevertheless, whereas the first-generation Iranians remain politically divided,

preoccupied with political events in Iran, and in search of support for their political causes, the second-generation Iranians are gradually socializing into American political institutions and are trying hard to enter mainstream politics in the USA.

The gradual political socialization coupled with inherent sense of attachment to both American society and Iranian culture, a deepening understanding of American culture, society, and language, and the availability of professional, legal, and human capital resources inspire second-generation Iranians to be more politically active and vocal in challenging immigration sanctions against Iranians. It also allows for them greater political power to protect the civil rights of naturalized Iranians in the USA and to reclaim, retain, and redefine the Iranian ethnicity that has been under attack for the last 30 years.

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Part III
Restrictions and Consequences in Europe

Chapter 9

Borders Within the Dynamism of Europe: European Migration Regimes Between Exclusion and Inclusion

Georg Vobruba

Abstract The chapter starts with a short theoretical sketch of the theory of the Dynamism of Europe. What follows is a description of the transformation of outsiders into insiders by referring to the last enlargement, namely the Eastern enlargement in 2004 and 2007. The next step consists of the argument that the deepening of integration, and in particular the abandonment of state border controls within the EU (the so-called Schengen area), constitutes a common interest of EU members in controlling the outer borders. Finally, the chapter points out that at present EU's outer border regimes are in a difficult process of change from maximal exclusion to semi-permeability.

Introduction

Investigating migration and migration regimes in the EU means dealing with the central issue of EU politics. In contrast to nation states in general and to the USA in particular, the EU is a political entity in the making. Most appropriately it might be characterized as an institutional setting of its own kind (Lepsius 2006, 111; Zielonka 2001), as something between a federation of states and a federal state. Within the last decades, the EU has undergone rapid institutional and social changes, affecting its inner coherence as well as its outer relations. I subsume these changes under the term of the “Dynamism of Europe” (Vobruba 2003, 2007a), a modest proposal for a theoretical approach that allows us to focus on the logic of expansion of the EU in particular and on the interplay between inclusion and exclusion that goes along with this expansion. Until recently, the European Union developed as an institutional process driven by political elites. This development took place under the legitimacy of the shelter of the “permissive consensus” (Lindberg and Scheingold 1970), for people paid little attention to European integration. But with its increasing

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institutional integration the EU impact on peoples' living conditions also increased and became visible. Generally speaking this is due to the fact that progressing market integration and European institution building causes intensified entanglements of interests and a sense of increasing mutual dependence. It is exactly in this respect that borders, border crossing processes, and especially migration play an extremely important role in EU politics.

The sociology of borders focuses on the relationships and tensions between borders as political institutions and border crossing processes. Within the modern emerging world society, the relationship between migration regimes and migration might be seen as the most prominent case in point. While dealing with migration and migration regimes on the EU level, one always has to bear in mind that due to its dynamism, the EU disposes neither of long-term stable outer borders nor of invariant internal relations. Within the Dynamism of Europe there are three developments that are of particular interest for the readers of a book like this. First, as an immediate result of several rounds of enlargement, outsiders become insiders. Second, there is an intense and complex interplay between the deepening of EU integration and the Europeanization of its outer borders. Third, as formal enlargements of the EU actually come to a historical end, the character of outer EU borders changes.

Thus I shall put my argument forward in four steps. I'll start with a short theoretical sketch of the theory of the Dynamism of Europe. Then I will describe the transformation of outsiders into insiders by referring to the last enlargement, namely the Eastern enlargement in 2004 and 2007. In the next step, I shall argue that further integration constitutes a common interest of EU members in controlling the outer borders. And finally I'll point out that at present—after the enlargement—EU's outer border regimes are about to change from maximal exclusion to semi-permeability.

The Expanding EU

The theory of the Dynamism of Europe (Vobruba 2007b) offers an explanation of the expansion of the EU basically by referring to the relationship between the affluent core of the EU and its periphery. This relationship between core and periphery is defined by specific entanglements of interests on both sides. The argument starts with the diagnosis that there is a remarkable difference in economic prosperity and political stability between the EU and its periphery. The affluent core perceives its periphery as source of problems like environmental pollution, crime, smuggling, and, of course, migration caused by poverty and/or political unrest. The neighbour countries are interested in joining the affluent core and participating in its well-being. Thus the political actors and the populations within the core member states perceive several border crossing processes stemming from the EU's periphery as a threat.

The first and immediate response to perceived threatening border crossing processes is to call for exclusion, hence for the closure of borders. But it is a basic insight of a political sociology of borders (Vobruba 1994; Rodríguez 1997; Cornelius and Tsuda 2004; Eigmüller and Vobruba 2006) that state borders cannot be made sustainably impermeable. At least in the modern, virtually global society, most kinds of social processes do not respect borders. In some cases, for instance border crossing environmental pollution, impermeability cannot be achieved for simple technical reasons, in some cases the costs of exclusion, be they financial or political, are too high, and finally in some cases the interests of the affluent core members are ambiguous, thus impeding unequivocal politics of exclusion. Some member states, for example, favour rigorous border controls, while others bear in mind the need of their economies for migrants such as illegal workers (Cornelius 2004, 393; Eigmüller 2006). Some member states have to take xenophobia at home more into consideration, while some pay less consideration to this factor. A recent example (in the year 2011) of a domestic push for restrictive border politics is provided by Denmark. Its temporary reintroduction of controls at the Danish-German border was nothing but a concession to the right wing “Danish People’s Party”. In the view of most EU members this was an obvious abuse of the Schengen-based rule that member states are entitled to temporarily suspend the right to free border crossing only if a person represents “a threat to public policy or public security or to national security” (Article 96, Schengen treaty).

All these various causes impede the unequivocal politics of exclusion. Thus, it is not the issue of perfect impermeability but the tensions between border closure and border crossings what make borders, and in particular EU borders, a fascinating subject for sociological research.

Even though exclusion always remains a political option for protecting the interests of the core countries of Europe, exclusion politics of the EU are supplemented by politics of calculated inclusion. All programmes and attempts of the European Commission to combat unregulated migration demonstrate that exclusion always remains a political option for protecting the interests of the core countries of Europe in maintaining their prosperity and stability. Already in its Strategy Paper “European neighbourhood” the Commission stresses “the Union’s interest in concluding readmission agreements with the partner countries” (Commission 2004, 17). But notwithstanding this, exclusion politics of the EU have to be—and in fact are—supplemented by politics of calculated inclusion.

The formula “politics of calculated inclusion” refers to the logic of self-interested aid (Vobruba 1996): I help you because otherwise your problems will affect me. Problems for the core-EU which originate from the EU’s periphery and which cannot be stopped at the border cannot be handled but by managing them at the place of their origin. In other words: Most border crossing problems become a subject of self-interested aid. As the Commission of the EU attests: “Enlargement is one of the EU’s most powerful policy tools ... it serves the EU’s strategic interests in stability, security, and conflict prevention” (Commission 2008, 1). This is the constellation that causes a particular dynamism between the EU’s affluent core and its periphery.

The Southern enlargement of the EU in 1981 (Greece) and in 1986 (Portugal and Spain) and in particular the Eastern enlargement in 2004 (Hungary, the Czech Republic, Slovak Republic, Slovenia, Poland, Estonia, Latvia, Lithuania, plus Cyprus and Malta) and 2007 (Bulgaria and Romania) are manifestations of this logic of calculated inclusion based on self-interested aid. Both rounds of enlargement were implemented in order to make political transitions to democracy irreversible and to trigger economic modernization simultaneously. Advancing political stability and economic prosperity at the EU's periphery led to the inclusion of those regions where problems originated, hence to new EU members.

Liberalization by Enlargement

With respect to migration, every round of enlargement basically implies the inclusion of the population of the new members within the European realm of free movement. Thus, every enlargement of the European Union transforms outsiders into insiders, hence reducing illegal migration simply by legalizing it. As a consequence a first and somehow surprising result of our analysis of the EU's border regime is that every round of EU enlargement widens the space of free movement, hence drastically liberalizing migration opportunities for the citizens of the new EU member states.

While stressing this rather optimistic result, of course two caveats must be made. First, one has to bear in mind that by becoming a new member of the EU border controls don't vanish automatically. For this an additional step is required, namely to join the Schengen agreement. The Schengen agreement (from the year 1999) on the one hand states free movement of people in and out of participating member states, hence (with some exceptions) in practice abandoning state borders within the EU; but on the other hand it demands high standards of control of the outer EU borders. Thus, as the logic of enlargement implies that all new members (with one exception: the Czech Republic, which from the start of its membership was surrounded by other EU members) dispose of outer EU borders, new EU members first have to prove their competence for control before becoming a part of the European realm of free movement.

Second, one has to take into account that free movement does not automatically mean the right to work abroad. In both the Southern and the Eastern enlargement rounds restrictive regulations for labour migration were temporarily installed. But again, this fact does not affect the general diagnosis, because these regulations only postpone the emergence of a wider realm of free movement for labour force. In the recent case of the Eastern enlargement, in 2004 and 2007 the 2 plus 3 plus 2 rule was installed (Nissen 2009): It entitled the old (and affluent) member states for the two first years after the 2004 enlargement to keep existing bilateral agreements concerning the mobility of workers. Then, after an evaluation by the Commission, the old member states had to report formally, keeping this rule or adopting a policy of workers' full free movement. After 3 more years, restrictions

were planned basically to be over. In order to postpone free movement for another 2 years, severe disturbances of the national labour market as a justification were necessary. But most old members opened their labour markets at the latest after 5 years. Only Germany and Austria made full use of these possibilities to postpone free movement of workers from new EU members. On May 1, 2011, eventually people from the ten accession countries (2004) became entitled to look for a work all over the EU.

Thus, all in all, though people face a “retarded Europeanization” (Nissen 2009) of the labour market, free movement of persons and labour force within the whole EU is nevertheless about to be realized. As a consequence, illegal workers were transformed into legal workers. As the rich EU members’ industrial law now applies for former illegal workers the Eastern enlargement of the EU has the effect of a huge political programme of regulating labour conditions, hence increasing its price. Another consequence of the wider realm of free movement and the widening of the circle of insiders is that it simultaneously leads to new obstacles at the outer borders, hence to new outsiders. How do these dialectics of internal openness and external closure work?

Changes of the Outer Border and Its Permeability

During the last decades, the EU not only has experienced remarkable enlargements, but it has also deepened its integration. With respect to migration issues, the most important push towards deeper integration was the Schengen treaty, which I already mentioned. By joining the Schengen treaty EU members (and some additional European states like Switzerland) no longer carry out their internal border controls. One usually speaks of a “Schengen territory” where one of the four fundamental rights, namely the free movement of persons, became a reality. The reverse side of this coin is that it leads to a common interest in securing the outer borders of the EU. Why? Before Schengen for instance “entering Spain” meant being in Spain; after Schengen, “entering Spain” means virtually entering the whole EU. The new constellation that the Schengen treaty has caused has three main consequences.

First, intensified politics of exclusion at the EU level emerged. Closure and control of its outer borders became a dominant issue of EU politics. Borders of EU member states which are also the EU’s outer borders attract the interest and the political awareness of the whole EU. As a practical consequence, common EU borders and migration control turned into a political issue at the EU level and triggered off the slow Europeanization of border politics, in particular by founding the EU agency FRONTEX in 2004. FRONTEX is an EU institution. Its foundation was strongly supported by the core EU members, in particular by France and Germany, and it operates under supervision of the Commission. Its main task is to offer information, to provide further training and to coordinate border missions of national border patrols. Thus FRONTEX basically is a pure administrative machinery and relies on the member states’ executive capacities and their equipment. But since its

foundation it expanded dramatically in terms of budget, staff and activities (“joint operations”), hence more and more getting a genuine executive role (Pollak and Slominski 2009). As a consequence of such institutional innovation, at least as far as Europe is concerned, sociological research on migration and migration regimes on the nation state level (for instance, Brochmann and Hammar 1999) becomes more and more outdated—another case of the vanishing “methodological nationalism”.

Second, there were and are interest conflicts between member states with outer borders and the (affluent) core of the EU. These conflicts center around two main subjects: (1) The EU as a whole advocates strict border closure, whilst border politics of some “front member states” result in tolerating a certain degree of illegal migration—mainly in order to support those parts of their economies, which depend on cheap labour force (Cornelius 2004, 393; Eigmüller 2006). (2) There are permanent conflicts over the burden sharing of migration between the first EU member points of entry (in particular Italy, Greece and Spain, for immigrants from Africa) and the other member states.

And third, the politics of calculated inclusion that dominated the affluent core of the EU were prolonged. The EU signed several bilateral arrangements with its Southern and Eastern neighbours concerning cooperative migration control, repatriation of refugees and installation of reception camps in North Africa. The EU’s migration policy aimed at building a “Fortress Europe” and at intensifying cooperation with the neighbours in order to defend it against migration from the East and the South.

All in all, the enlargements of the EU and the deepening of its integration led to free movement within the EU and rigid sealing off from countries outside the EU. Hence, this causes a wider circle of insiders and strictly excluded outsiders.

Enlargement Policy Transforms to Neighbourhood Policy

But there are signs that this constellation is about to change. Even prior to the implementation of the Eastern enlargement the opinion gained ground that—as the former president of the EU Commission, Romano Prodi, stressed—“we cannot go on enlarging for ever” (Prodi 2002, 2).

The general conviction was and is that any further enlargement is threatening to go at the expense of the integration. Elsewhere I explained that Eastern enlargement has caused an enlargement crisis of the EU (Vobruba 2003; and the ensuing debate: Bach 2003, 2006; Rhodes 2003; Szalai 2003). Prodi (2002, 2) stated in this respect again: “We can not water down the European political project and turn the European Union into just a free trade area on a continental scale”. This interpretation of an increasing contradiction between enlargement and deepening of the European integration led to a new political concept for managing the EU’s periphery, namely the European Neighbourhood Policy (ENP).

The difference between politics of enlargement and the ENP is best understood by conceptualizing both as different offers within a relationship of political exchange

between the EU and its periphery. In doing so, a remarkable asymmetry appears. In both cases, enlargements and ENP, the EU expects almost the same sort of cooperation of its periphery: the willingness to bear the cost of transition to democracies and capitalist market societies, cooperation with respect to the management of border crossing problems, and in particular to migration. “The European Neighbourhood Policy’s vision involves a ring of friends, sharing the EU’s fundamental values and objectives, drawn into an increasingly close relationship, going beyond co-operation to involve a significant measure of economic and political integration” (Commission 2004, 5).

Thus within the frame of the ENP the EU makes proposals for cooperation with respect to several political issues. “Economic and social development policy” generally aims at promoting economic prosperity and political stability in the periphery of the European Union, hence reducing migratory pressure towards the EU. The issue “energy supply” concentrates in particular on joint investments in pipelines in order to secure the EU’s gas and oil supply from the Caspian region. “Environment” is a subject of neighbourhood policy simply because “environmental pollution does not respect borders” (Commission 2004, 18).

Concerning the issue “justice and home affairs” the programmatic ENP paper in particular stresses “the Union’s interest in concluding readmission agreements with the partner countries” (Commission 2004, 17). Readmission agreements entitle the EU to send illegal migrants back to those neighbour states where they entered the EU, obligating the neighbour states to take these people back and to send them further to their places of origin—if they are able to find out where the migrants originated. This is the reason why migrants tend to throw away their passports and why these readmission agreements are said to cause chains of deportation. Basically the ENP is driven by the same logic of self-interested aid as in the case of the Eastern enlargement.

Compared to enlargements, the EU’s offer concerning the ENP is much more modest. The promise of full membership in the future is replaced by a perspective of a “special relationship”. In EU terms a “special relationship” means bilateral agreements with different contents, ranging from free trade agreements to near-membership (Commission 2004) as the strategic paper points out. All in all, with the switch from enlargement to ENP the EU tries to realize expansion without enlargement (Vobruba 2007b). In order to enhance cooperation within the frame of the ENP, the EU’s offer to its neighbour states contains financial and organizational help as well as free trade agreements, but no participation in EU institutions. But the most important difference is that in contrast to enlargements, special ENP arrangements offer no long-term perspective, no point of reference for future expectations that could compensate for present hardship caused by the transition. Thus, as it has been stressed repeatedly, with the switch from enlargement to ENP politics, an important source of legitimation was lost. As Commission President Prodi noted again, “The goal of accession is certainly the most powerful stimulus for reform we can think of. But why should a less ambitious goal not have some effect?” (Prodi 2002, 3). Consequently, instead of legitimizing present hardship (costs of modernization) by future gains (full EU membership), governments in the EU’s neighbour

states must be keen to achieve positive results that they can present as immediate advantages to their populations.

One of—if not *the*—EU's main expectations concerning the neighbour states' cooperation points at controlling migration. In 2007 the Commission published a special paper on "Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union" (Commission 2007). On the one hand it aims at a certain liberalization of personal movement, promoting the "developmental impact of migration" (Commission 2007, 6) in particular by enabling circular migration. On the other hand the EU insists on "the fight against illegal migration and trafficking ... [through] readmission agreements" (Commission 2007, 6) and it presses for chains of deportation: "Attention should be given to the conclusion of readmission agreements. A readmission agreement has already been initiated with Ukraine and negotiations have been completed with Moldova. ... Initiating negotiations with the other countries should also be considered in the future. For those that have such agreements with the EU, the focus should then be on their capacity to implement those agreements, as well as encouragement to reach similar agreements with their own Eastern and South-Eastern neighbours" (Commission 2007, 9).

Thus, with the switch from enlargement politics to the ENP the basic feature of the EU's migration politics has changed again: from enlargement politics which entailed internal free movement and maximum external closure to the ENP, where permeability of borders becomes a subject for negotiations. By "the establishment of common visa application centres—like the one opened in Moldova with the cooperation of Austria, Hungary, Latvia and Slovenia" (Commission 2007, 15) a particular selectivity of the permeability of border emerges, which is likely to lead to a new transnational pattern of inequality. This change from maximum restriction to selective permeability implies that different groups of people in the neighbour countries are treated differently (Mau 2010).

Summary and Discussion

In the course of its integration and enlargement the European Union shows a characteristic change of its migration politics. I tried to point out that one might distinguish the following two stages of border politics.

First, there were several rounds of enlargement of the EU. At least in the long run, becoming a new member of the EU means free movement of persons and in particular free access to the common European labour market. These enlargement politics install a clear distinction: On the one hand, they imply a dramatic push of liberalization for people from new EU members. On the other hand, the EU tries to close its outer borders, thus creating a sharp distinction between insiders and outsiders. Since then, the death of African migrants in the Mediterranean Sea is an almost daily phenomenon, fully reported in European newspapers (Cadenbach 2009) and somehow similar to the situation at the Mexico-US border. And second, with the

transition from enlargements to the ENP, the permeability of the EU's outer border becomes an object for bartering between the EU and its neighbours, which results in different kinds of bilateral visa agreements.

Thus, all in all, in the course of the Dynamism of Europe major changes are visible: (1) There is a progressive Europeanization of borders, which goes at the expense of the national sovereignty of the EU member states, and (2) the permeability of the EU's outer borders becomes a subject of negotiations between the EU and its neighbours.

If we take the sentence seriously that borders never can be closed permanently, and thus migration to a certain degree takes place anyway, we are in fact facing a transition from implicit selectivity due to imperfect politics of exclusion to selective inclusion by negotiations.

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Chapter 10

Immigration and Immigration Policies in Spain

Francisco Javier Ullán de la Rosa

Abstract A question that often emerges in migration studies is why, even with rising levels of migration, Spain has seen low levels of ethnic conflict. Research offers several explanations for this phenomenon, but a large factor is that many of the immigrants are Latin American and are seen as having a shared cultural background with Spaniards. However, the chapter finds that the demographic composition of immigrants to Spain is not the product of chance, but rather reflects a calculated set of policies put in place that favor (either implicitly or explicitly) immigrants from Latin America. These policies are progressive in comparison with other OECD countries, tolerant of undocumented migrations, biased in favor of Latin Americans, and shaped by the EU's progressive immigration policies. Starting by tracing the demographic profile of immigrants, this chapter then discusses the current state of immigration policy in Spain and how policy was used to create a specific demographic mix of immigrants. Finally, the author argues that due to the current economic crisis, Spain is moving towards more restrictive policies.

Immigration in Spain

In less than two decades Spain has undergone a dramatic sociological and ethnic transformation from a country of emigration (Yáñez 1993, Babiano y Fernández Asperilla 2009) to one of the major immigration destinations in Europe. In 1985, roughly 250,000 immigrants lived in Spain, a figure eight times smaller than that of Spanish citizens living abroad (Aziza 2007). By the end of 2011, the latest figures show 5,751,487 foreigners living in Spain.

The Spanish immigration landscape presents idiosyncratic features vis-à-vis other OECD countries in the composition of migrant groups, the interethnic relations between migrants and the host society, and the policies implemented. With regard to the first dimension, two points are worth remarking: (a) the quantitative

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significance of a group of leisure, non-working migrants coming from affluent Western European states who have settled in the sunny coastal strip and (b) the disproportionate share of Latin Americans in the ethnic composition of the working migrants. Spain is the country with the highest number of Latino migrants after the USA.

The cultural closeness of the majority of immigrants to the larger society is one of the main factors explaining another Spanish anomaly: the low degree of ethnic conflict generated by the sudden influx of migrants. This particular ethnic composition, and the resulting relatively low level of conflict, is not the product of random change but rather the calculated result of a consistent set of immigration policies implemented by both socialist and conservative administrations. These policies are: (1) fairly progressive by international standards (with rough edges quickly smoothed by the Supreme and Constitutional Courts); (2) quite tolerant of undocumented irregular immigration (with little control of the underground work market, and very generous and frequent amnesties); (3) ethnically biased in favor of Latin American migration; and (4) shaped by the context of the European Union's progressive immigration policies, which Spain cannot ignore.

This chapter attempts to provide an overarching and updated analysis of immigration in Spain and offer a brief guide to the complex and constantly evolving labyrinth of Spanish immigration policies over the years and in the face of the global economic crisis.

Official Sources of Information About Immigration

As immigration became an increasingly relevant issue, a large corpus of reliable data from very different sources (public and private) has developed. The most important is undoubtedly the Municipal Register of Inhabitants (*Padrón Municipal*, PM), maintained by town councils and constantly updated. The National Statistics Institute (INE) centralizes data from local registers nationwide and publishes them annually. This database is unique in the world because it measures documented as well as undocumented immigration (Clandestino Project 2009). Most undocumented immigrants register because registration is compulsory to gain access to public education and health care services, and it is also a step on the way towards a very likely future regularization.

Other main sources of official information are the *Statistical Yearbook of Immigration* (published beginning in 1996), released by the Ministry of Labor and Immigration (MTIN) with updated figures of naturalizations and visas, and the National Social Security Institute (INSS) for Social Security has registration files of documented immigrants. The Center of Sociological Research (CIS) provides information on public opinion towards immigration, and information about the migrant student population can be obtained from the Ministry of Education. On the EU level, Eurostat (the EU statistical body) provides information about immigration across nations.

A Multifactor Typological Analysis of Immigrants

The first factor to consider in this analysis is time. In 1975, at the dawn of the new Spanish democracy, the number of foreigners in Spain was less than 0.5 percent of the total population (Table 10.1) and consisted mainly of non-working residents from Western European countries (Moreno 2004). This scenario would change in the second half of the 1980s. Spanish integration in the European Economic Community (EEC) in 1986 would encourage flows from the EEC. Sustained economic growth combined with an ongoing process of demographic stagnation and population aging would create a big hole in the labor market (González Enciso 2006). There was no alternative but importing foreign labor: while still less than 1 million in 2000, foreign workers had risen to 5,751,487 by December 2011. Spain became the European state with the highest rate of yearly arrivals and one of the EU countries with the largest foreign population, in both absolute and relative terms. This rapid pace of growth slowed down with the 2008 global crisis but Spain has always maintained a net immigration flow (INE 2011).

Table 10.1 Historical trend of population growth in Spain, 1981–2009 (citizens and foreigners)

Year	National total	Foreigners (documented and undocumented)	Percent of total population
2011	47,190,493	5,751,487	12.18
2010	47,021,031	5,747,734	12.22
2009	46,745,807	5,648,671	12.08
2008	46,157,822	5,268,762	11.3
2007	45,200,737	4,519,554	9.99
2006	44,708,964	4,144,166	9.27
2005	44,108,530	3,730,610	8.46
2004	43,197,684	3,034,326	7.02
2003	42,717,064	2,664,168	6.24
2002	41,837,894	1,977,946	4.73
2001	41,116,842	1,370,657	3.33
2000	40,499,791	923,879	2.28
1999	40,202,160	748,953	1.86
1998	39,852,651	637,085	1.60
1996	39,669,394	542,314	1.37
1991	38,872,268	360,655	0.92
1985	38,473,418	241,971	0.63
1980	37,683,362	182,045	0.52
1975	–	165,289	–

Sources: For 2010 INE 2010: Provisional data at 01/01/2010 <http://www.ine.es/prensa/np595.pdf>

For the period 1996–2009 INE: Statistical use of the Municipal Register. http://www.ine.es/en/prensa/padron_tabla_en.htm

For the period 1981–1996 Total population INE, for foreign population: Ministry of Labor and Social Affairs (in Moreno 2004)

The second factor is the unbalanced distribution of the immigrant population. Four provinces (Madrid, Barcelona, Alicante, and Valencia) have 44 percent of the total immigrant population, and these provinces combined with seven others (Málaga, Murcia, Baleares, Tenerife, Las Palmas, Girona, and Almería) have an overwhelming 66.2 percent of the total immigrant population. This uneven distribution is the product of: (a) the uneven distribution of Spanish population itself; (b) the presence of a group of “non-working” (or “leisure”) foreign residents (14 percent) in search of the sunny climate of coastal Spain, and (c) the concentration in those same regions of jobs typically filled by immigrants. This last factor includes the unskilled tertiary jobs demanded by the big postindustrial metropolises (Madrid, Barcelona, Valencia), the hazardous physical jobs (shunned by Spaniards) in the labor-intensive Mediterranean agribusiness sector, and the tourist and construction sectors (IOE 2005).

Immigrants have been attracted by these regions in a higher proportion than Spaniards themselves in the past, helping to widen the demographic territorial unbalance of the country (García Ballesteros 2003). All the above-mentioned provinces score above the 14.5 percent country average immigrant population, but in some provinces the percentage of immigrants is significantly higher (23.8 percent in the Balearic Islands, 21.9 percent in Girona, 25.6 percent in Alicante, 34.5 percent in Almería). On the other side, we have six regions below the 8 percent threshold (see Table 10.2 below). While it may seem that this unequal distribution may be due to divergent economic forces, it is not a relation as straightforward as it appears to be. For instance, a small immigrant workforce in a province with an aging workforce could theoretically be regarded as an a priori sign of economic stagnation having a feedback effect. However, the empirical data does not support this relationship across all cases

The region with the highest GDP per capita, the Basque Country (INE 2008a) and the region with the highest annual increase of GDP in the 2000–2008 period, Extremadura (INE 2008b), are among the ones that received fewer immigrants. Clearly, the need of immigrant workers is counterbalanced by other factors. The Basque Country is an industrial region demanding specialized workers

Table 10.2 Foreign residents in Spain (regular and irregular) by geographical/ethnic areas of origin, 2009

	Absolute figures	Percent of total foreigners
Total	5,598,691	100
European Union	2,266,808	40.5
Latin America	1,866,308	31.5
Maghreb	760,000	13.5
Asia	292,961	5.2
Sub-Saharan Africa	250,000	4.4
Rest of Europe	221,000	3.9
North America (USA and Canada)	51,921	0.9
Rest of the world	2909	0.1

Source: Elaborated by the author with data from Municipal Register 2009, INE <http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft20%2Fe245&file=inebase&L=0>

(difficult to find among immigrants); on the opposite side, Extremadura's output is overwhelmingly dependent on non-labor-intensive agriculture and ranching, and its economic growth is to a great extent a product of Spanish and EU subsidies.

Along other dimensions, the effect of a large influx of migrants is also far from being clear. For instance, researchers note that: working immigrants help boost the economy (Escrivá and Ribas 2004) but their increasing remittances also bleed it (Colectivo IOE 2005); they may lower native wages in some sectors (Comisiones Obreras 2007) and strain the welfare state coffers (Saura 2001; Collado et al. 2004; Moreno 2007; Vall-Llosera et al. 2009), particularly those working in the underground economy; and leisure immigrants bring and spend money in Spain but many of them pay their taxes abroad while also using Spanish public services—particularly the health care system (most of them are senior citizens). Most authors tend, nonetheless, to highlight the positive economic effects of immigration (Dolado and Vázquez 2008; Pajares 2009).

The effects of this uneven distribution appear to be more straightforward when considering a dimension like xenophobia. Although rather low considering the rate and the size of immigration, xenophobia seems to be more recurrent in regions with higher concentrations of foreign population. We will see this in more depth in following pages.

The third factor involves an ethno-cultural map of immigration in Spain. Immigration has added a new category to the contemporary ethnic landscape of the country: “the foreigner with a Spanish passport,” to put it in the words of the president of the NGO OIDE (International Organization of Descendants of Spaniards). This means we might add to our immigration statistics at least three categories not counted as foreigners in the PM: (a) the recently naturalized population of 456,897 between 1991 and 2008 (MTIN 2009a); (b) the children and grandchildren of Spanish emigrants “returned” in adulthood to Spain; and (c) a share of the second-generation immigrants. A good analysis should never neglect the identity issues stemming from these situations, because a person does not automatically dispose of his or her previous identity when acquiring a new passport, nor is such a person necessarily perceived as “one of our kind” by the native population just for the sheer fact of being legally a citizen. Since the naturalization phenomenon is a recent one in Spain, there are reasons to think naturalized foreigners should continue to be considered sociologically as immigrants.

Category “b” migrants seem to remain more culturally attached to the countries they left behind, where they underwent their whole socialization process (Tribuna Latina 2008), than to the host society. Their numbers are sociologically quite relevant: 674,900 in 2009 (almost a 10 percent of total immigrants).¹ And these numbers could soar dramatically thanks to the passing of Act 52/2007 (better known as the Historical Memory Act), which grants right of citizenship to the children and grandchildren of Spaniards who lost their citizenship in the past, with special attention to those who were deprived of it during General Franco's dictatorship. OIDE (2010) estimates that there are 1.5 million people entitled to Spanish citizenship through this legal path.

¹ Calculated by subtracting naturalized foreigners from the number of citizens born abroad.

A rather different kind of Spanish-foreigners is constituted by a not easily quantifiable fraction of the second-generation Maghrebian immigrants. The cultural alienation of part of these youngsters (as with the similar case of the French *beurs*) is significant, due to the combination of a distinctive cultural background and a resilient Islamophobia on the part of the Spanish society.² This leads some authors to talk about immigration as a “hereditary condition” in this second generation (Moncusí 2007). The situation is particularly acute in Ceuta and Melilla, where 40 percent of the population (50 percent according to estimates made by the Muslim community) is composed by Spanish Muslims of Moroccan descent (Irujo 2005).

The adding up of these categories will produce “actual” immigration figures higher than the official ones. A straightforward way to get a quite accurate estimation would simply be adding up the foreign born residents (minus the children of temporary short term expats, which is rather low) and the foreigners born in Spain.³ In 2011, this combined category amounted to 7,084,253. When considered as a percentage of the total population these figures make Spain one the major immigration countries in the developed world (15.01 percent), above historical champions like the USA (Rytina 2009).

If we analyze now the current ethnical mapping of immigration, three issues stand out as deserving a close sociological regard.

The Prevalence of Westerners

Nearly half of the foreign population (39.9 percent) comes from other European (Christian, white) countries, whether EU or not, with a significant 22.4 percent coming from Southern Romance-language countries (Portugal, France, Italy, and Romania). Another 33 percent comes from the Spanish speaking, Catholic former colonial territories of Latin America.⁴ That is, a massive 76.8 percent (if we add up the North American subcontinent) comes from the Western cultural macro-area (55.4 percent of which from the Romance-Speaking World), and could be considered, from an ethno-cultural perspective, as a sort of “culturally internal” migration. The trend is reinforced when we add up naturalization figures (81.1 percent of naturalizations fall within the same ethnic categories (MTIN 2009b).

This prevalence of a Western immigration has been very helpful in smoothing over conflicts that are likely to arise when such a sudden influx of aliens enters a

² Surveys conducted by the Spanish Ministry of Home Affairs among Muslim resident population (which includes Spanish Muslims) show the existence of a resilient 17 % with high levels of rejection towards the mainstream society (MIR 2010b).

³ Spanish naturalization law does not automatically grant citizenship to those born on Spanish soil. Most of these children will eventually obtain citizenship by residence if they stay in the country (they are, in fact, a privileged category in legislation) but the process can take some years, particularly in the case of the children of irregular migrants (Álvarez Rodríguez et al. 2006).

⁴ These figures are created after having corrected an important distortion in the statistics: there are 89,469 Argentinians of Italian descent computed as Italians in the statistics (INE 2009a).

host society. Spanish society has shown so far one of the lowest levels of xenophobia in the EU (Eurobarometer 1997; Thalhammer et al. 2001; CIS 1996, 2007; INJUVE 2008), whether attitudinal or of a political nature. Our hypothesis is that this is much more due to the cultural proximity of immigrants rather than to a “non-racist and democratic culture” rooted in the people, as has sometimes been argued by some academics (Terrén 2004), journalists (Ortiz 2008; Robinson 2009), or politicians.

There are certain clues that lead to the conclusion that this purportedly “idiosyncratic cosmopolitanism” is in fact biased by ethnic factors. Let us just compare Spanish figures with those from some of its major European neighbors, where higher levels of xenophobia have been reported. The UK, France, and Italy, have 83 percent (ONS 2008), 57 percent (INSEE 2006) and 38.4 percent (Caritas 2009) of migrants coming from non-Western countries, respectively.

This Spanish ethnic harmony is less the result of a purely random combination of flows as it is the product of political engineering. Very aware of the positive effects of ethno-cultural proximity for the management of immigration, all Spanish administrations have taken part (without never overtly acknowledging it) in the designing of a complex strategy of ethnic selection through a set of legal and policy-making tools.

Maghrebians Are the Only Large Non-Western Group

13.5 percent of all Spanish immigrants are from this group, and 12.7 percent come from Morocco. When classified by country of origin (Table 10.3), Moroccans appear as the second largest foreign community, suggesting this could also be the result of a policy of ethnic privilege. This is not at all the case, however: opinion surveys conducted in the last 20 years show that rejection against the culturally different in Spain is highly concentrated upon this ethnic group. This is due to a very ad hoc mixture of xenophobia and Islamophobia, a heritage of the idiosyncratic Spanish history, plus the recent image created by Islamic fundamentalist regimes and international jihadi terrorism. In the last official survey, conducted by the Spanish Observatory of Racism and Xenophobia of the Ministry of Labor and Immigration, 22.2 percent of the surveyed population manifested xenophobic attitudes against foreigners from Northern Africa in particular or Muslims in general (Cea d’Ancona and Valles 2009). Scattered but significant pieces of evidence show that this feeling is shared by part of the political class as well (Pedone 2006). This is notwithstanding the fact that Maghrebians are among the most Westernized populations in the Muslim-Arab world.⁵

Spanish policy makers have indeed been using a varied set of measures to restrain, rather than encourage, Maghreb immigration. The large numbers of

⁵This is consistently shown by opinion surveys: only 41 % of them claimed to have an intense religious life, and around an 80 % considered themselves adapted to the Spanish culture (MIR 2010b).

Table 10.3 Foreign residents in Spain (regular and irregular), 20 main countries of origin, 2009

Country	Absolute figures	Percent of total foreigners
Romania	796,576	14.2
Morocco	710,401	12.7
Ecuador	413,715	7.4
UK	374,600	6.7
Colombia	292,971	5.2
Bolivia	227,145	4.1
Germany	190,584	3.4
Italy	174,912	3.1
Bulgaria	164,353	2.9
China	145,425	2.6
Argentina	140,443	2.5
Portugal	140,424	2.5
Peru	137,154	2.4
Brazil	124,737	2.2
France	120,246	2.1
Dominican Republic	86,888	1.6
Poland	84,823	1.5
Ukraine	81,132	1.4
Paraguay	80,467	1.4
Venezuela	60,751	1.1

Source: Table elaborated by the author with data from Municipal Register 2009, INE <http://www.ine.es/jaxi/menu.do?type=pcaxis&path=%2Ft20%2Fe245&file=inebase&L=0>

Moroccan immigrants must, consequently, respond to some other reasons, namely historical, geographical, and political factors. Historically, four territories under current Moroccan administration were subjected to Spanish colonial rule since 1911 and for a variable period of time spanning from 1956 (Rif) to 1975 (Western Sahara). The colonial domination would trigger a first flow of postcolonial migration very similar to the one taking place in France (the other colonial administration in North Africa) at the same period (López García and Berriane 2004). As in the French case (although in smaller proportions), most of these first-wave immigrants became citizens long ago and have functioned since as a sort of beachhead to legally ease the way for further Moroccan immigration.

Geographically, Morocco is the only developing country to have a terrestrial border with Spain in addition to a very narrow maritime one. This proximity encouraged a steady influx of illegal immigration as early as the 1960s (Carella 1999; López García and Berriane 2004), which Spanish authorities found difficult to combat until recently. The gradual deployment of the high-tech Integrated System of Outer Surveillance from 2002⁶ as well as the signing of repatriation agreements in

⁶Sistema Integrado de Vigilancia Exterior (SIVE), operated by the Spanish Civil Guard.

1992 and 2003 (Vacas 2007) progressively reduced these flows until stopping them almost completely in 2010 (MIR 2010a).

Politically, Morocco has not relinquished its territorial claims over the Spanish enclaves in Northern Africa. Indeed, the occupation of one of them, the island of Perejil, sparked a contained military conflict in 2002 (Zarzueta 2002). Spain has a growing economic interest in the Moroccan economy. In such a geopolitical scenario, immigration has been used as a trading tool by both sides (Carella 1999), with Spanish authorities ungrudgingly loosening their iron fist from time to time to let off diplomatic steam. González García (2006) studied, for instance, how the 1992 repatriation agreement has not always been duly enforced.

The Rest of the World Is Underrepresented

Immigrants from other nations make up only 9.6 percent of the total foreign population, dwindling to even lower figures if we look at the whole foreign-born population. This is again not the outcome of immigration flows operating randomly. If that were the case, the ethnic cocktail would represent the demographic weight of nations in a more balanced way: Asia accounts for over 60 percent of the world population, Africa 12 percent, South America only 5.3 percent (UN 2009). Nor is this a straightforward consequence of geographical distance; while the Saharan desert does not encourage terrestrial flows from Central and Southern Africa, neither does the Atlantic Ocean. The explanation must be found in two other factors, operating differentially from region to region: (a) Spanish policies of control and negative ethnic selection (for the Asian and African cases again); and (b) the strong attraction exerted by other destinations. The latter is a co-explanatory factor for the sub-Saharan and Asian cases, whose preferred destination is more likely to be the former colonial metropolises for cultural reasons or richer countries such as Germany and the USA. It is also the only possible explanation for Mexican and Central American underrepresentation in Spain.

The latter two groups, together constituting 30.2 percent of the world's Latin American population (UN 2009), represent only 3.7 percent of the Latino immigrants in Spain. This can only be explained as the result of the powerful gravitational force of the "American Dream" and the pull factor of the migrant networks historically established in the USA and Canada. And this in spite of the advantages Spain had to offer during the bonanza years vis-à-vis the USA, as we will see in the following pages.

In spite of the distorting effects of Spanish policies of control, this rest-of-the-world migration follows, nonetheless, a certain logical pattern. For the Asian continent, 90.3 percent of the foreigners come from China, the Indian subcontinent, and the Philippines—the two most populated regions plus a former colonial territory. On the African continent, 85 percent come from the Economic Community of Western African States (ECOWAS), a visa free area similar to the EU, which makes it a single migration unit.

Non-Western Foreigners Are Overrepresented in Certain Areas of Spain

This is particularly the case in Catalonia, where they total 34 percent of the foreign population. Figures become higher when we examine the local dimension. In some municipalities in Catalonia, non-Western foreigners constitute 50 percent, even 70 percent, of the total foreign population in some cases. There seem to be no straightforward explanation for this. Some authors (Tinagli 2010) have pointed out as a tentative cause the fact that Latinos might want to avoid middle and small-size Catalan towns because of the dominance of the Catalan language in public life. The void would have been then filled by non-Spanish-speaking immigrants to whom it makes little difference investing in learning one new language or the other.

However, such an explanation is too simplistic (and not tested by research) and does not take into account other factors. In economies relying on labor intensive agriculture (i.e. vegetable and fruit producing areas) (as is the case of inner Catalonia but also of certain areas of the Southeast-, the town of El Ejido, in the province of Almeria, has a 65.48 percent of immigrants from Africa), this high concentration is most likely to be due to an altogether different linguistic reason: these immigrants are not fluent in Spanish and are, thus, “expelled” towards this kind of non-skilled agricultural jobs.

This is, we might note, only one of the expressions of the existence of an unacknowledged ethnic discrimination mechanism operating in the labor market: Latin Americans tend to occupy the tertiary service sector (where language skills are necessary) while the most undesirable, strenuous and hazardous jobs (in the primary and secondary sectors) are mainly left to non-Spanish-speaking migrants—and this regardless of the region. Only 13 percent of Latin Americans worked in those two sectors in 2005 (Vicente 2005), while 95 percent of migrants working in agriculture were from Africa along with 78 percent in the construction sector (Cachón 2006). The ethnic bias of Spanish entrepreneurs could also explain the higher unemployment rate of Africans vis-à-vis Latinos (Colectivo IOE 1995; Díez 2005, 249; Cachón 2006).

Contrasting with the general situation described above, significant xenophobic foci have been reported in those areas with high concentrations of non-Westerners. Spain has particularly witnessed some collective outbursts of violence against Maghrebian immigrants: the worst of all took place in El Ejido in 2000, one of the most violent race riots in recent European history (Martínez Veiga 2001; Majuelos 2004). The last one broke out in Salt (Girona, Catalonia) in February 2010 (El Periódico 2010a). And xenophobia has crystallized in political activism, too. In 2001, an anti-immigration party, *Plataforma per Catalunya* (PxC), was founded in the town of Vic, very much along the line of Le Pen’s National Front. In the 2007 municipal elections, the PxC obtained results above 15 percent in quite a few Catalan towns, all of them with a very high percentage of Muslim immigrants. And this happened 1 year before the start of the economic crisis.

Reasons for Immigrating to Spain: The Labor/Leisure Divide

Assuming that all sociologically relevant migration fits in the classical twofold motivation scheme (political and economic) would be misleading and shortsighted vis-à-vis some of the new phenomena taking place in post-industrial societies. Besides the most traditional and “hard” reasons to migrate, a whole set of “soft” reasons—related to leisure and consumerism—are gaining momentum, creating a new threefold model. The fact that the former two are predominant in most developed nations does not mean the model applies everywhere and, indeed, it does not apply to the Spanish case. In this threefold overarching framework, Spain shows two idiosyncratic characteristics: (a) an insignificant percentage of political migrants, less than 0.02 percent (MTIN 2007), and (b) the relative important size of a non-working, new kind of immigrant (14 percent⁷). The overwhelming majority of immigrants is made up of migrant workers, whether currently employed or unemployed.

Spain indeed shows one the lowest numbers of asylum seekers and asylum granting rates in the EU (European Migration Network 2007). The Spanish “hard line” policy vis-à-vis asylum seekers surprisingly contrasts with its publicized democratic image. This could be read as yet another ethnic selection device: the majority of the asylum seekers come from the “non-desirable” African and Asian destination nations and, therefore, asylum is blatantly discouraged (CEAR 2009).

On the other hand, Spain has become the preferred destination for quite a significant number of retired and well-off people from Western Europe. We have chosen the label “leisure migrants” for them. The terms “labor” and “leisure” seem to be more useful to construct a typology of migrants by motivation than the more intuitive economic/non-economic ones. This is because the decision to choose Spain in preference to other competing destinations (Southern France, Southern Italy, and Greece) is often driven by economics, particularly quality of life and cost of living calculations, as we see in the decision to migrate for employment purposes (González Enríquez 2008). The labor migrant motivations would stem from a comparison of the native and the host economies on the production side (how much more will I earn if I move?) whereas the former would privilege the consumer side (how much am I going to save?).

The Role of Legal Status: Comunitario/General Regimes, Regular/Irregular

The first divide from a legal point of view is the one separating “citizen immigrants” (those with a Spanish passport) from foreigners. As far as the latter are concerned they could be further classified in several overlapping categories according to two different legal criteria.

⁷Figure calculated by combining data from the PM and the *National Immigrant Survey 2007*.

The first criterion is the relevant legislation they are subjected to: We have to distinguish between those subjected to EU legislation (*Régimen Comunitario*, RC), who have almost universal and inalienable rights of abode in Spain under the same conditions as Spanish citizens, and all the rest (*Régimen General*, RG), for whom entry and residence is a concession, not a right, subjected to many restrictions and conditionalities which have been legislated by Immigration Organic Acts (see discussion below). This criterion does not imply a neat divide of EU/ non-EU citizens, however, for the RC is also applied to citizens of Switzerland and the rest of the Economic European Area (Norway, Iceland, and Liechtenstein) as well as their relatives. Through this way, some non-Western migrants are dodging the ethnic filters designed by Spanish authorities.

The second criterion is the legal status of migrant vis-à-vis the above legislation. We can classify immigrants as regular, irregular and provisional (i.e., asylum applicants; foreigners in the process of renewing an expired visa). When discussing foreigners we need to mention, for the sake of accuracy, not only the more well-known RG irregulars, who are often the subject of media and political attention, but also the lesser-known, almost invisible RC irregulars. There is a common misunderstanding among the public about the Schengen Agreement and the Maastrich Treaty (1992). Many think that, based on the concept of EU citizenship, the treaties would grant an automatic right of residence in any country of the EU, but this is not exactly so: after the first 6 months of staying in a different EU state, the EU legislation requires a change of residence (including fiscal residence) to that state, and this must be granted by the authorities mediating an administrative application.⁸ Nevertheless, this provision has been challenged or ignored by 27.7 percent of EU residents (ASTI 2009). Irregularity of RC foreigners is treated lightly by Spanish legislation and is rarely prosecuted by the Spanish police (ASTI 2009; MIR 2004, 2005). And despite its important fiscal and economic effects, this “soft” undocumented migration represent a fair amount of people who have access to public services in Spain, such as education or health care, without paying their income taxes in Spain.

RG irregularity—the “hard” irregularity, entailing much more serious legal consequences—amounted to 18.6 percent by mid-2009. This was slightly higher than the mean for the rest of the EU, which was between 7 and 12 percent (Vogel and Kovacheva 2009), but it is decidedly low when compared to that of the US rate of 46.15 percent (Hoefler et al. 2010). In countries like Germany, France, or the UK, the relatively low percentage of irregular or undocumented migrants (8–12 percent) (Clandestino Project 2009) is mainly the product of effective control at the borders and restrictive policies towards irregular immigration and work. For instance, over the past two decades, amnesties have been unknown in these countries (Kostova 2006). In the USA, the high figures are mainly the effect of a rather permeable Southern border (very difficult to police) plus the lack of amnesties since 1986.

Spain would be in a third group, together with Portugal or Italy, of countries with loose border control, tolerance to irregular immigration, and policies of frequent amnesties (Apap et al. 2000; Levinson 2005). In cases like the latter, irregularity

⁸Royal Decree 240/2007.

figures bounce significantly along the time line, being very low right after an amnesty and peaking just before the following one. Spanish policies vis-à-vis irregular migration can therefore be classified, comparatively, as one of the most liberal in the developed world (Clandestino Project 2009). Spain has also kindled a growing debate within the EU on establishing a common immigration policy. The Spanish 2005 amnesty is seen by some as a guiding light, whereas others are pressing for the EU to take control of immigration policies in order to prevent this from happening again. The measure was praised by the Council of Europe (Journal of PSOE 2007) and some UK politicians from different ideological origins advocated some kind of regularization, including Boris Johnson, the conservative mayor of London (Whitehead 2008) and Nick Clegg, when he was the Liberal Democrat candidate for Prime Minister (Liberal Democrat Manifesto 2010). On the other hand, Franco Frattini, vice-president of the EU Commission, blamed the surge of illegal immigration to the Canary Islands to Zapatero's amnesty. German and French conservative governments have been among the amnesty critics, too (Rennie 2006; 20 minutos 2006; Le Monde 2006).

This international image of tolerance does not exactly conform to reality, though. For the Spanish tolerance is biased, focused on certain ethnic categories and hiding a restrictive policy vis-à-vis migrants from the rest of the developing world. Only this biased tolerance explains why disproportionately high rates of irregularity are concentrated in migrants coming from Latin American countries: 79 percent of Paraguayan migrants, 70 percent of Bolivian, 67 percent of Brazilian, 51 percent of Argentinian, and 49 percent of Venezuelan—in comparison to 32 percent of Russian or 16 percent of Ukrainian immigrants (Clandestino Project 2009). Where this bias does not exist, as is the case in Italy, irregularity rates by ethnic origin follow a much more balanced pattern (Clandestino Project 2009, ISTAT 2009).

25 Years of Immigration Policies in Spain (1985–2011)

A. General Traits: The Dialectics of Change and Continuity

The first overarching Organic Immigration Act came into force in 1985. Prior to that year there was not a single legal framework to deal with immigration issues. Since then legislation on immigration has thrived: four subsequent Organic Acts (January 2000, December 2000, 2003, 2009), at least nine Royal Decrees (1986, 1992, 1995, 1996, 1997, 2001, 2003, 2004, 2007), four rulings of the Constitutional or Supreme Courts (1987, march and October 2003, 2007), two bills amending the Civil Code (2002, 2007), and one cabinet Executive Order (1991). This long chain of modifications in the legal framework has led some authors to refer to Spanish immigration policy as having an “unstable” or “impromptu” nature (Relaño 2004; Mazkarian 2009). In this chapter, we try to demonstrate, on the contrary, that those changes and the apparent “overproduction” of legislation can be understood as part of a perfectly coherent framework of migration policies.

The first explanatory factor points towards the need to manage a very sudden and rapidly changing phenomenon. The 7/1985 Act, at a time when immigration flows were almost irrelevant, looked at migration as a temporary phenomenon. Subsequent legislation, when figures were unexpectedly doubling each year, had to acknowledge immigration as a permanent phenomenon and to implement twofold mechanisms of control and integration.

The second factor accounting for the frequent changes in legislation stems from the fact that immigration issues have become part of the domestic political arena. This has led governing political parties, as soon as they regain control of Parliament, to undertake amendments of prior legislation passed under rival administrations. Parties, regional governments, and civil society organizations, such as trade unions and NGOs, have also resorted to the judicial arena, turning the Constitutional and Supreme Courts into decisive actors on the immigration drama. Some articles of Acts 7/1985 and 8/2000 and Royal Decree 864 that curtailed specific rights to foreign residents have been ruled out by the judiciary on grounds of infringing on basic universal human rights. This has led to subsequent amendments in legislation. Underneath this image of instability, though, the core of Spanish policy has remained substantially unaltered during the last 25 years, consistent with a coherent strategy of socioeconomic engineering—which is agreed to in general terms by the two major governing parties.

Third, there is a progressively converging EU immigration policy which dates back to the 1986 Single European Act (the first Amendment of the Treaty of Rome) and has increasingly gained momentum since. The constant production of new EU legislation forces Spain to update its own periodically. Insofar as it constitutes the supranational framework to the Spanish immigration policies, I believe scholars should start examining it more closely.

B. The EU Agenda and Its Effects on Spanish Immigration Policies

The EU common policy has been historically focused on the restrictive dimension of immigration, mainly the control of flows: a kind of approach that has been labeled as “Fortress Europe” by its critics (Moreno 2004). According to some authors (Colectivo IOE 2005; López de Lera 2008), the meager immigration flows entering Spain in the 1980s did not justify the passing of an overarching and hardline immigration act such as the 1985 law (Mazkaran 2009). These authors see the 1985 Act as the Spanish surrender to pressure from an EU (in exchange for EU accession) which was wary of future migration leaks through the Spanish border (Colectivo IOE 2005). Since then, Spain has been assigned the role of watchdog of the EU’s Southern border, for some decades – up to the outbreak of the current refugee crisis- the most sensitive of all European borders.

All throughout the 1980s and 1990s, though, the EU did not have an actual common immigration policy and had to resort to subtle ways of exerting influence over

national governments in order to achieve its goals. The first step towards a common policy came with the May 1st 1999 Treaty of Amsterdam, which incorporated and extended the Schengen Agreements to most of the EU (except UK and Ireland). The EU common policy was officially born at the December 1999 summit of the European Council at Tampere. The main immediate consequence would be the enforcing of a common visa policy (Aja and Díez 2005).⁹ This loss of sovereignty ended some prerogatives previously enjoyed by citizens of Latin America and other former Spanish colonies (plus the Sephardi Jews) in Spain. Although some of those countries would keep on being part of the so called Schengen Area Visa List, Spain was no longer able to unilaterally grant any kind of particular privilege to them. Thus Colombia would be taken off the list (with the abstention of Spain) from the beginning, followed by Ecuador in 2003 and Bolivia in 2007.¹⁰ As a result of subsequent EU legislation, Spain would incorporate increasing and better defined measures of controlling illegal immigration: mutual recognition of deportation orders between EU states (2003), progressive hardening of sanctions against undocumented immigration (including deportations) and human smuggling rackets, among other policies.¹¹

True to this repressive approach to immigration, the EU progressively slid towards a militarization of the problem not unlike the one taking place in the USA during the same period. A milestone of this scheme was the creation of FRONTEX, the European agency for the control of the external borders, which became fully operational on October 2005 with its headquarters in Warsaw. It has since become one of the key players in the implementing of the Integrated Border Security Model, an EU common endeavor covering operational measures and cooperation with third countries, surveillance at the external borders, and security measures within the Member States (FRONTEX 2008). This strategy would be followed by the creation in 2008 of the European Border Surveillance System (EUROSUR) coordinated by FRONTEX. Its tasks include extending or upgrading national infrastructures for border surveillance, securing communication networks between the national coordination centers and FRONTEX, and promoting common intelligence (Soderkoping 2009). The already mentioned Spanish SIVE has become one of its main tools and Spain was allocated the largest chunk of the 2009–2010 EU Fund on Borders and Deportation (MIR 2010a, b). This policy is already yielding fruits, efficiently tightening controls at the external borders (FRONTEX 2008).

From this point of view, which is mainly focused on control, the internal policy of the member states should be meant to complement the external surveillance. So when President Rodríguez Zapatero granted a massive amnesty in 2005, alarms rang throughout Europe. Mr. Zapatero valiantly defended his decision in Brussels but ended up declaring the end of Spanish unilateral string of regularizations (Journal of the PSOE 2007). Was this declaration a result of EU pressure?

⁹ Council Regulation (EC) 539/2001, as amended by Regulation (EC) 2414/2001.

¹⁰ Regulation (EC) 453/2003 and Regulation (EC) 1932/2006.

¹¹ Immigration Organic Acts 14/2003 and 2/2009.

The next relevant EU decision was the 2008 Return Directive. Conceived to establish a minimum EU standard in deportation procedures, it introduced an 18 month cap as the maximum period of detention for undocumented immigrants. This measure enraged the leftist sectors in Spain and in Latin America, where it was labeled the “Directive of Shame.” For the sake of objectivity, however, we must add a *caveat* to these criticisms. While critics argued that the directive was part of a backlash towards permissive EU countries, at the same time it could be considered as a progressive measure in the sense that it established time limits on detention in nine EU countries that had previously had none.

Furthermore, the Directive only established a maximum common cap but did not oblige member states with more liberal legislations to raise theirs.¹² As a matter of fact, the maximum detention time in Spain continued to be 40 days. In spite of this the Return Directive damaged Spanish international relations with Latin America and is an illustration of the divergence of the EU and Spanish agendas in some fields.

The evident limitations of a policy exclusively centered on repression would lead to the multidimensional European Pact on Immigration and Asylum later that same year. Besides the already known obsessions on control, it “officially” sanctioned the Franco-German principle that large-scale amnesties should be abandoned because they produce a “pull” effect (Bertozzi 2008).

C. The Spanish Agenda: Political Culture and Strategies of Labor Market Management

Control of flows is also an important part of the Spanish authorities’ concerns, and Spain has been the first to profit from the building of the EUROSUR and to ask for EU help and funding to control its borders. But control has been just one side of the Spanish immigration strategy. On the other, we find one of the most permissive and liberal policies in the world, although an ethnically biased one. The explanations for this are two: the political culture, and a hidden strategy of labor market engineering.

A deep antiauthoritarian and democratic political culture pervades Spanish society and its political class as a reaction to the long Franco Dictatorship (1939–1975). This culture and attitude were enshrined in the 1978 Constitution, one of the most progressive in the world. After the restrictionist 1985 Immigration Organic Act, the Organic Act 4/2000 restored this progressive spirit, thus assuring foreigners (whether documented or undocumented) most of the social rights and benefits enjoyed by Spanish citizens (provided they registered in the PM), thus becoming one of the most progressive immigration laws in the EU (Relaño 2004). These rights and benefits include membership of a trade union, demonstrating, striking, and equal wages; free primary and high school education, access to scholarships, university education (with the same subsidized prices as Spanish citizens; free and universal access to the

¹²European Parliament Legislative Resolution of June 18, 2008.

public health care system; and housing benefits. Subsequent attempts to curtail these rights have been prevented by the Supreme and Constitutional Courts. All of them have been put in practice except right number two (equal wages), something consistent with the governments' agenda to create and maintain a cheap labor force, a discriminatory situation constantly denounced by trade unions (Comisiones Obreras 2007).

If we turn our eyes now to the economic dimension, what we find is all Spanish governments were confronted with the inescapable necessity of allowing migrant labor to enter the country in order to boost and sustain Spanish economic growth, which is threatened by an aging population but also by other factors. Since the 1980s, there has been a structural misalignment between the skills of the Spanish workforce and jobs available in the labor market. While the number of university graduates rose during the second half of the 80's and throughout all the 90's at a rate of above 6% per year (Bricall 2000), the number of high-skilled jobs did not manage to catch up with the same pace.

These educated emerging groups have systematically shunned other kind of jobs, though, holding on to the safety net of family support (García Montalvo et al., 2006). As a consequence, what the Spanish economy overwhelmingly needed were low-skilled jobs in agriculture and construction as well as the less-skilled jobs in the tertiary sector (domestic service, personal caring, and tourism). Immigrants, many undocumented, filled these jobs, often working in the informal sector. At the same time, unemployment rates among Spaniards remained significantly high in the OCDE context (above 14% on average throughout all the 90's and around 8 percent at its lowest during the peak of the economic boom in 2007 (INE 2010c)).

The phenomenon of informal work in post-industrial developed economies has been extensively studied since the 1970s, when it gained momentum as an adjusting strategy for economic systems facing postwar global crises (Gershuny 1979; Portes 1983; Portes and Sassen 1987). These scholars and others in following decades (Schneider and Enste 2002) have underlined the contradiction in which the underground economy is trapped: is it a cancer eroding the foundations of the economy or a positive mechanism to create an elastic and cheap stock of labor? As Gershuny wrote (1979, 3), "Governments have three options: they can ignore the informal economy, suppress it, or exploit it. The last appears preferable, but would require some initiatives from the state." My hypothesis is that this third option is exactly what the Spanish governments have been doing, putting in place a sophisticated battery of measures to coordinate irregular migrant labor with the dominant mode of production (Comisiones Obreras 2007; Dolado and Vázquez 2008; Pajares 2009). This is nothing but a continuation of previous practices: immigrants found a historically thriving underground economy in Spain (Portes and Sassen 1987) and simply integrated into it.

The originality of the Spanish case lies in the fact that authorities did not just limit themselves to *laissez-faire* measures, but deployed a whole set of tools to shape the irregular sector. These policies were designed, in fact, as a sort of middle ground between the sheer exploitation of a Darwinian market and the full protection of the modern welfare state. This policy had been more or less in place since the

beginning of the immigration period but underwent a historical turning point with the Organic Immigration Act 4/2000. This law and the subsequent legislations would shape a kind of post-Fordist migrant labor force that could be fairly compatible with the values of an advanced democratic society: flexible and cheap and yet enjoying a quite fair amount of social rights and benefits.

The algorithm designed by governments on both sides of the political spectrum in order to enact this strategy featured: (1) deliberately welcoming “false tourists” that arrived by plane; (2) restricting the issuing of work permits for those same persons, dumping them into an status of illegality and the informal economy; (3) turning a blind eye to widespread hiring of irregular immigrants without a contract; (4) issuing initial work permits only applicable to the aforementioned non-skilled sectors of activity¹³; (5) making compulsory the validating of professional degrees (e.g., doctors, nurses, and architects) and delaying approval for an average of 2 years; and (6) deploying a varied array of measures aimed to progressively integrate this migrant labor force into society by legalizing their situation first (after a certain amount of time) and even eventually granting them citizenship.

Step 6 was key in the overall strategy of “democratic management” of irregular migration. This dynamic approach that made integration the eventual goal of the immigration process performed, quite efficiently, a double function. On the institutional side, it allowed the State to “save face” in the eternal dilemma between tolerance and repression (it avoided having to choose between the two). On the societal side, it provided undocumented immigrants with a sense of purpose for their migratory project, a predictable way out of irregularity in a reasonable amount of time.

The process, therefore, worked as a psychological incentive stimulating compliance and hard work, soothing the anguish and anger that normally brews in situations of exploitation and, thus, deflating social and labor conflicts. Spain provided immigrants with a “Spanish dream” by consistently sending the following implicit message: *if you work hard, cause no trouble, and endure your irregular status for a while, your adventure overseas will eventually pay off. Just be patient and don't despair*. Irregular migrants would progressively become taxpayers, homeowners, and citizens. In a general climate of economic euphoria and loose regularization of the real estate sector, many migrant workers were even “lured” by real estate agencies and banks to sign high-risk mortgages. On particular credit institution, for instance, had a targeted product called “Hipoteca Bienvenida” (Welcome Mortgage) aimed at just arrived migrants. The only requisite was a proof of legal residence in Spain for 3 months and would finance up to a 120% of the property cost (El País, 2010). In the meantime, the continuous flow of fresh immigrants would keep supplying the flexible labor force the economy required. When the credit crunch came, Spain faced a sub-prime crisis very much like that of the USA (Baratech 2008).

But this immigration package was not meant to be offered to all prospective migrants. Spanish bipartisan policymaking did not just want a flexible and cheap

¹³ The very few work permits that are issued for freshly arrived immigrants are short-term contracts that are restricted to certain sectors of activity. Once this first (or “initial”) permit has expired, the worker is then allowed to apply for a long-term work permit.

labor force. They also wanted to minimize what they perceived a priori as a problem: multiculturalism (Agrela 2002; Díez 2005). Aware of the fact that most migrants would settle down indefinitely, policymakers tried to build a future society as similar as possible to the local one. In order to do so, they purposefully designed and put in place instruments to favor Latin American migration and ward off the immigration flux of nearer African countries, quite aware of the resilient ethnic prejudices existing in Spanish society (Agrela 2002; Izquierdo et al. 2003; Martínez Buján and Gólfas 2005; Díez 2005). According to some authors (Izquierdo et al. 2003), the El Ejido racial riot in 2000 was the turning point that convinced the conservative government then in power of the need to implement a policy of ethnic filtering. While they could not completely succeed, the policies effectively and substantially contributed to the shaping of the ethnic composition of today migrant populations in Spain. The door was left open to Latin Americans—who in 1999 constituted fewer residents than Moroccans (Izquierdo et al. 2003)—and was slammed closed to Africans, Asians, and even Eastern Europeans.

The Policies of Ethnic Selection

The instruments by which this policy was implemented can be summarized as the following: the issuing of visas, asylum decisions, border controls, detention policies, deportation, and labor protectionism.

A. Visa Policy

Until 1991 there were no visa requirements for travellers visiting Spain. This began to change then, when visitor visas were imposed on Moroccans (a policy still in force), who had started to arrive in large numbers. Vono et al. (2008) criticized this policy as stemming from an additional reason—the Spanish commitment to following the European common security strategy. Since then, Spain has willingly used this instrument in several occasions as one of its more effective tools in the management of immigration (Cebrián 2009). It imposed new visa requirements with full sovereignty¹⁴ in 1992 (to Peruvians) and 1993 (to Dominicans) and within the EU framework in 2003 (Ecuadorians) and 2007 (Bolivians). As opposed to what happened with Colombia, this time it was Spain that proposed or supported the EU visa requirement for citizens of these countries. These cases illustrate that the EU has not always imposed its agenda to Spain, but, rather, sometimes it has been the other way round. As for the other Latin American countries, they still

¹⁴Meaning that these visa requirements were an exclusively national policy and did not involve the EU, as in those years previous to the Tampere summit there was no common EU immigration policy.

remain (with the exceptions of Cuba and the aforementioned Colombia) on the EU list of visitor visa exempted countries.

The new visa requirements were designed as an instrument for reducing migratory flows from countries showing above-average rates of arrivals. It did not exactly mean the creation of a homogenous “undesired” ethnic category per se, but such ideas were undoubtedly present in the creation of ethnic filters through visa policy. Even after the implementation of the EU policy, the issuing of visas remains a prerogative of the national states, and Spanish authorities have been consistently using it to filter immigration flows. So, while obtaining a visitor visa in Africa (particularly in sub-Saharan countries) is a process full of obstacles, even for African businessmen (Cámara de Comercio de Tenerife 2004), large numbers of Latin Americans kept entering the country as fake tourists during the 1990s and 2000s (Merino 2002; Vono et al. 2008). In 2008, the year before the global financial crisis, Spain issued 71,483 visitor visas to Latin American citizens (Colombia, Cuba, Ecuador, Bolivia, Peru, and the Dominican Republic). In contrast, the visitor visas issued to ECOWAS (Economic Community of Western African States) citizens amounted only to 9488 (MTIN 2009b).

The imposing of a visitor visa in the Colombian, Ecuadorian, and Bolivian cases ironically triggered an intensification of migration. Airports in those countries worked at full operational capacity in the interval months between the passing of the EU bill and its actual implementation (Junquera 2006; Vono et al. 2008). Under Spanish legislation, the rejection of visa applications don't need to be motivated, thus giving legal coverage to the hidden ethnic filtering strategy. In 2007 a Constitutional Court Ruling upheld this regulation. Although the ethnic bias is directed with particular strength towards non-Western migrants, there is consistent empirical data showing that privileged treatment has been exclusively reserved for Latin Americans. Spain has not been so permissive with Eastern European flows, for instance. Spain deported great numbers of Rumanians and Bulgarians before they joined the EU in 2007 (MIR 2007, 2009) and Russian and Ukrainian flows are more due to the tolerance of the Polish than of the Spanish authorities (Frontex 2008).

In the Spanish pre-Tampere legislation, Latin Americans, Portuguese, Filipinos, Equatorial Guineans, and Sephardi Jews were also given an explicit preferential status for the granting of long-term residence and work permits. The absence of Morocco from this list, even though it was the last Spanish colony and has many citizens that share some of the common Hispanic heritage, is very revealing of an ethnic bias. This bias can also be found explicitly in other legislation of this period, like Royal Decree 155/1996 which prohibits reunification of second wives of polygamous marriages, something purportedly aimed at Muslim Maghreb (and sub-Saharan) immigrants. In the post-Tampere legislation, EU policy guidelines forced the disappearance of explicit mentions of ethnic privileged categories. Still, they are cunningly maintained in an ambiguous, indirect way. The Immigration Act 4/2000 gave a shortcut for obtaining a permanent visa to an intentionally undefined category of migrants having “special ties to Spain.”

B. Asylum Policy

This double-standard policy had to be necessarily matched by a set of devices aimed at containing the otherwise inevitable migration from neighboring areas. One of the consistent ethnically restrictive devices has been the hard asylum policy (García Raya 2009). The biggest losers in this story have been, undoubtedly, the sub-Saharan migrants. While airplanes crammed with tolerated fake Latin American tourists landed at Madrid's Barajas airport, and Moroccans managed sometimes to make their way through political leverage, sub-Saharans had little alternative but take their chances with the Saharan desert, the open ocean, the state-of-the-art surveillance systems of the Spanish security forces, and the high cost of human smuggling (Gozálvez and Vicente 1996; Carling 2007). Those attempting to climb Fortress Europe left a documented death toll of 11,105 from 1993 to 2008 (UNITED 2008). The actual number of those who have died is still unknown.

C. Border Controls

Control at the borders is complemented with a string of measures aimed at prosecuting undocumented migrants already residing in Spain. Repressive institutional practices start with internal police controls, continue with internment in detention centers (maximum of 72 h if they are not deportable, and up to 40 days if they are) and end with deportation (for those whose countries have signed repatriation agreements with Spain).

In 2005, a total of 69,523 foreigners were arrested or interrogated in police precincts in application of the immigration legislation. In 2004 and 2005, the only 2 years the MIR released this kind of data by nationality of origin, only 21 percent of arrested foreigners were Latin Americans. Romanians and Bulgarians were more numerous, even when these two countries had already signed a treaty of accession to the EU. The largest number of arrests was represented by those of African origins (MIR 2004; 2005). Figures show a possible ethnic discrimination within the Latin American group as well: "whiter" Argentinians were almost never arrested (0.5 percent) against "darker" Colombians (2.1 percent), Ecuadorians (4.3 percent), or Brazilians (4.9 percent) (MIR 2004). This is consistent with other studies critiquing practices of racial profiling in the Spanish police (Wagman 2007).

D. Detention

The Centros de Internamiento para Extranjeros (CIEs, Detention Centers), another tool of the repressive apparatus, have been constantly criticized by humanitarian organizations as facilities not fully guaranteeing some of basic human rights.

These centers are described as overcrowded and often lacking basic amenities, such as bed linens, telephone access, and even adequate food. Migrants often lack information about their legal situation as well as the process they are going through, and are not assisted by social workers. Furthermore, there is a total lack of treatment of psychiatric disorders and high incidence of psychological disturbances; suicidal thoughts and suicide attempts are not infrequent (Pérez-Sales 2009). Finally, common migrants are often mixed with criminals. Xenophobic and humiliating treatment has been reported, with a heavy bias towards Maghrebians (Pérez-Sales 2009).

Some of these criticisms, although based on actual facts, must be put in the context of the total number of undocumented migrants. Very few of them are ever detained in the CIEs and very few of those who stay for the maximum 40 days period according to the General Directorate of the Police (Dirección General de la Policía). According to this source, the nine Spanish CIEs have a total capacity for 2718 detainees but none of them was working at full operation in 2009 and the average time of detention was 19.4 days (EuropaPress 2010a)

When analyzing migration issues, we must never forget that they are set in the political and ideological arena and, consequently, subjected to demagogic instrumentalization from both ends of the ideological spectrum. In a very similar way, but with opposite goals and arguments, rightist demagogues magnify actual data to accuse the government of being too permissive (presenting migration as an “uncontrolled invasion” and equating migration with high crime rates). The media, in their constant quest for scoops to improve ratings, spread this alarmism through prime time news by unnecessarily stating the ethnic origin of criminals and by bombarding TV audiences with images of African immigrants on flimsy boats, forgetting to put these facts in their overall sociological context (Muñiz and Igartua 2004). The actual “invasion,” if there was ever one, was taking place in a much less theatrical way: healthy looking people walking through the gates of Spanish customs at the major Spanish international airports. Purposefully or not, the media have played an important role in the government scheme, helping to legitimate the policy of influx control.

E. Deportation

Between 2000 and 2007, 628,049 foreigners were deported, mainly to Africa, although the Ministry of Interior does not release the exact figures by country of origin (MIR 2008). When it does, even partially, it allows us to catch a glimpse of the scale of the unbalanced proportion: in 2006, Moroccans and Senegalese deported under the legal figure of the devolution¹⁵ amounted to 82.2 percent of the

¹⁵ We use the term deportation in a general sense. From a legal point of view, Spanish legislation distinguishes between four kinds of legal ways to return unauthorized foreigners to their countries of origin: (1) Denial of entry: deportation by denying entry at customs (mainly ports and airports);

total (MIR 2007). Further deportations have been eased through bilateral repatriation agreements between Spain and several Western African countries (MIR 2009).

The overwhelming African origin of deported people cannot be blamed, though, on a policy of relentless persecution of irregular immigration inside the country. The main mechanisms of control are deployed at the border; the unbalanced statistics are therefore better explained as a side effect of the visa policy itself, which remains the major and most effective instrument of ethnic filtering. The majority of deportations (83.3 percent in 2007, 77.2 in 2008, 65.5 percent in 2009) correspond, in fact, to apprehensions of foreigners trying to cross the border without the required visa (a situation very rare in the case of Latin American immigrants). Once inside, tolerance—as ethnically biased as it may be—continues to be the most common practice.

F. Labor Market Protectionism

In 1993, the socialist administration put into place¹⁶ a quota program for hiring migrant “workers in origin.”¹⁷ The program was completed in 2003 with an annual Catalog of Vacant Jobs, and subsequent years also saw bilateral agreements between Spain and the main sending countries (Terrón 2004; Vacas 2007). Sold to the public as a mechanism to control flows and fight irregular migration, this set of measures was, in fact, a political scheme to reduce foreign competition in the strained Spanish skilled labor market. The number of skilled jobs offered by the system was very low. In addition to this, the system is seen by some scholars as empirical proof of the dysfunctional nature of rigid and bureaucratic regulation policies in open economies. The system faced many obstacles, including geographical constrictions (most employers lacked the know-how and means to undertake the complex process of hiring people abroad), slowness, lack of coordination between institutions, and disparities between the actual needs of the labor market and the size of the quotas.¹⁸ The result was that most employers, especially small and medium size entrepreneurs, the bulk of the economic system, simply bypassed the program and resorted to the informal economy (Ferrero-Turrión and López-Sala 2009). This quota system ended up working as a reactive mechanism of concealed annual regularization (Aparicio and Roig 2006). The market had defeated the state attempts at “taming” irregular migration; from now on, the latter would always follow the former’s lead.

(2) Readmission: deportation through agreements with third countries; (3) Devolution: deportation of people apprehended when trying to enter the country through other border points outside of official Spanish customs; and (4) Expulsion: deportation of irregular foreigners already residing in Spain for breaching the current Immigration Act 2/2009 or previous acts.

¹⁶Royal Decree 511/1992.

¹⁷This means that the workers were hired in their countries of origin, previous to their arrival to Spain.

¹⁸In 2006, at the peak of the boom, there were only 16,878 jobs offered through the system.

Native skilled labor was also protected by legislation requiring an official validation of foreign universities degrees. Applicants were discouraged with long waiting times (an average of 2 years) and high rates of rejection. The bias in favor of Latin Americans surfaces once again. In 2006, 71.43 and 71.5 percent of applications coming from African and Asian countries, respectively, were rejected. This compares to a significantly lower rejection rate of 36.5 percent from Latin American countries (MTIN 2006).

Integration Policies: Mechanisms of Regularization and Naturalization

There have been six major amnesties for undocumented immigrants in Spain: 1985, 1991, 1996, 2000, 2001, and 2005 (Apap et al. 2000; Levinson 2005; MTIN 2005). Only the last three deserve to be labeled as “massive”; let us not forget that until 2000, immigration numbers remained relatively low. The first two, 2000 and 2001, were enacted by a right-wing government, and the third by a left-wing one. This indicates that amnesty is a bipartisan instrument in the long-term policy of immigration management. PP’s criticisms of the last amnesty and the concomitant alarmist fears of a “pull effect” can only be seen as overstated in light of evidence from past amnesties. In addition, the current PP leader and Prime Minister, Mariano Rajoy, was the Ministry of Labor who signed the 2000 and 2001 amnesties.

However, when examined from up close, the data show some nuances between the two major parties’ amnesties that are worth underlining: PP’s amnesties show higher levels of application rejections: 66.5 percent for both the 2000 and 2001 amnesties combined (Izquierdo et al. 2003; Kostova 2006) and 83 percent in the 2005 (Observatorio Valenciano de las Migraciones 2005). There is also greater ethnic bias vis-à-vis the non-Latino groups. The combined rate of granted applications for Latin Americans in 2000 and 2001 was 76.7 percent, as opposed to 58.7 percent for the rest of immigrants. If we further look at data by countries of origin, figures reveal that only 19 percent of applications filed by Ecuadorians were rejected against 52 percent of those made by Moroccans (Izquierdo et al. 2003). The ethnic bias, although present, was weaker in the PSOE’s 2005 amnesty: rejections from Morocco and sub-Saharan Africa were only some points higher than those from Latin America, the only higher rate being that of Pakistani applicants (50 percent rejection). However, if we look at 2005 amnesty from a geographical perspective, we observe the ethnic filter policy still in full swing where is considered most needed. In Ceuta and Melilla, with considerable demographic change resulting from a thriving Moroccan population, levels of rejection reached 58 and 63 percent, respectively (Observatorio Valenciano de la Migración 2005).

Massive amnesties like these, although certainly the most important, are not the only institutional instrument for legalizing irregular immigrants. The hiring system by quota has been already mentioned, and to this we should also add family reunification visas (quite permissive in Spanish legislation) and the legal figure of regularization

through *arraigo* (rootedness), introduced by Immigration Act 4/2000. Although limited in numbers and much more restrictive than the exceptional amnesties, *arraigo*, in its two modalities (*laboral* and *social*) functions as a permanent regularization mechanism (Mazkiaran 2009)—a sort of “last chance” to deal with individual cases one by one. The institutional message is “the doors are never totally closed, only left ajar.” Through this legal apparatus, immigrants were given the possibility of applying for regularization after two (*arraigo laboral*) or three (*arraigo social*) years of having registered in the PM provided their criminal record was clean, they could produce an employment contract, and were issued a “social insertion” certificate by the town council of residence. Royal Decree 2393/2004 further eased the way by withdrawing the need, at the discretion of the town council, of producing an employment contract. This measure partially put regularization policy in the hands of local administrations. In 2006, the number of applications amounted to 24,877, although only 7427 were granted, most of them through *arraigo social* (Marruecos Digital 2007; *La Verdad* 2007 with data from MTIN)

Statistics show the migration process leads to naturalization (that is, total integration from a legal point of view) for an overwhelming majority of foreigners. Eighty-six percent of foreigners have naturalized after 10 years of residence in Spain, with a part of the remaining 14 percent being constituted by EU citizens (for whom naturalization does not represent a significant advantage in the extension of rights) (INE 2009b). Once more, the data suggests a positive and persistent bias in favor of Latin Americans (Gil Araujo 2006). Naturalization—still a sovereign instrument of the Spanish state—is granted much earlier and in higher percentages to Latin Americans than the rest. This is, in the first place, a result of naturalization legislation itself, which privileges them with an enormous reduction in the time of residency requested to start the application procedure (2 years instead of the compulsory ten for the rest of the world). In 2005, the naturalizations of Latin Americans amounted to 74.13 percent of the total, and in 2006, 81.55 percent, with most of them using this shortcut (MTIN 2006).

The figures also reveal an important bias when seen in the long term. During the 1991–2008 period, 60.66 percent of naturalizations granted went to Latin Americans. Only 18.89 percent to Asia and Africa (MTIN 2006), despite the fact that Moroccan immigration flows are older than the Latin American flows. Finally, if we look again at the EPA figures (INE 2009b), we would see that whereas naturalization is the final step of the migratory process for almost all Latin Americans (94 percent after 10 years of residence), 32 percent of non-Westerners remain noncitizens after that period.

The Effects of the 2008 Economic Crisis: towards a More Restrictive Policy without Losing the Democratic Stance

The 2008 global crisis “mowed down” the lavish meadows of the Spanish Dream. With unexpected speed, GDP declined by 4 percent from the last quarter of 2008–2009 (INE 2010b). Unemployment rose at the same pace, with migrants bearing

the brunt of the crisis—18.01 percent for Spaniards and 30.79 percent for foreign workers in the first quarter of 2010 (INE 2010c). Unemployment peaked at a staggering 26.94% for the total population and 36.53 % for the migrant population in the first quarter of 2013, only to slowly going down the last 2 years (INE 2015). What has been the reaction of policy makers and society in the face of such a gloomy scenario?

Probably still under the shock of the El Ejido riot, some researchers in 2001 warned about the likelihood of Spanish society undergoing an anti-immigration backlash and a surge of xenophobic discourses (Gimeno 2001) if Spain was faced with competition between the native born and immigrants for access to scarce resources, as it is the case now. Although some data from a CIS opinion poll in October 2008 would seem to show a slight move in this direction (Cea d’Ancona and Valles 2009), the largest body of evidence indicates the forecast were wrong—whether from the dimension of politics or from that of society.

Seen from the dimension of politics, one of the immediate (and entirely unforeseen) effects of the crisis has been the disappearance of immigration as an issue of political confrontation. As if driven by a tacit pact, all major political parties have simply stopped talking about it. This attitude is particularly baffling in the case of the Popular Party, who had spent the first 4-year Socialist term complaining about the alleged permissiveness of Mr. Zapatero’s administration toward undocumented immigration. It is difficult to believe the PP could resist the temptation to use immigration as an electoral weapon in the run-up for parliamentary elections in 2011, and yet this is exactly what happened. Immigration was as absent from the campaign as it was absent from the socialist government’s political communication throughout the 2008–2011 period. It is also absent in the discourse of the conservative government of Mr. Rajoy. And with stunning coherence, the issue, which used to hit the press headlines and be one of the stars of TV news, has almost completely disappeared from the media.

While immigration policy is currently out of the spotlight, this does not mean that the policy immigration machine has entirely stalled. Very much on the contrary, from the very outbreak of the economic crisis, the government implemented a sudden double strategy aimed at freezing inbound immigration flows and encouraging outbound ones. This involved using both policing and economic measures while maintaining the permissive treatment towards the migrant population already in the country.

The government did not have to deploy many new measures. Spain reduced to almost zero the size of the foreign worker quotas (901 in 2009, mostly skilled job offers) and paralyzed the bilateral hiring agreements (Pajares 2009). Yet the flow stopped mainly because the international labor market simply regulated itself, as Spain ceased to be the attractive destination it once was. In addition, the EU border control system has finally gained momentum in these last years. SIVE is almost fully operational now and intercepted 96.5 percent of human smuggler boats in 2009 (EuropaPress 2010b). Spain amended its immigration legislation once again at the end of 2009 (Act 2/2009), but the core of the previous Act—with its high democratic and protection standards—has remained untouched. The new Act only introduces some minor restrictive mechanisms in the areas of family reunification, the fight against human smugglers, and a slight increase in the penalties for migrants in

irregular situation. Due to its geographical situation in the Western extremity of the European continent, Spain has also been spared of the most recent crisis of refugees fleeing from conflict in the Middle East.

As far as the outbound flow management is concerned, Spain launched APRE (Early Payment of Benefits to Foreigners Program) in 2008, a program aimed at encouraging return by means of a lump payment of unemployment benefits for those immigrants agreeing to use that money to settle back in their countries of origin. This program was complemented with a similar one managed by the Spanish Red Cross. Six years after their inception, the programs do not seem to be bound to succeed. So far, only both programs combined have received 1100 applications, with a decreasing trend since their peak in 2009 (OBACOM 2013). Even that year only 5 percent of the potential beneficiaries opted to take part in it (Pajares 2009). Immigration is a long-term investment and immigrants are very reluctant to give up their personal projects. The trend hasn't change in the last years 2 years and it is probably doomed with extinction as economic recovery turns again Spain into an attractive country for migrant workers.

On the policing side, an increase in the levels of arrests and expulsions of irregular immigrants has been reported and denounced by certain civil organizations and political parties, but the data must be analyzed carefully before hastily concluding that this means a general and indiscriminate stepping up of pressure against migrants, as has been claimed by some organizations like Amnesty International (AI 2011). Their criticisms grew when a press leak at the beginning of 2010 uncovered an order issued by the General Directorate of the Police allegedly commanding police officers to increase the pressure on irregular migrants by arresting fixed quotas—with, it was also said by Amnesty International, high rates of ethnic bias through officers targeting individuals with the most non-Western physical appearances.

Once more we would like to add a *caveat* to this issue: news like this, when read uncritically, can be very misleading. For, in general terms, it can be said unmistakably that Spain has maintained its democratic stance in spite of the crisis and keeps being a “soft” state as compared with countries with harshest policies and attitudes toward foreign work. The General Director of the Police was summoned before a Senate hearing and denied all the accusations, affirming the order was of a technical nature, intended to adjust police protocols to the recent Immigration Act 2/2009. It was the PP representative (Senator Luis Peral) who conducted the most aggressive part of the interrogation, reminding that should the existence of this directive be proven to be true, it would be “senseless” in a democratic state like Spain, the advocate of the Alliance of Civilizations (EuropaPress 2010b).

The General Director continued by providing some interesting figures at the Senate hearing. In February 2010, one month after the release of the order, the number of records filed against irregular migrants¹⁹ had decreased by 19 percent (EuropaPress 2010b). The previous 2 years, however, had witnessed a slight increase in the number of expulsions, and this might suggest a harder policy consistent with these times of crisis. However, there is a very important nuance: most of the surge

¹⁹This means that a judicial investigative procedure, possibly leading to the deportation of the migrant, has been initiated.

responds to an augmentation in the number of the so-called “qualified expulsions” (expulsions of irregular foreigners with criminal records), which amounted to 57 percent of the total expulsions between 2008 and 2009 (MIR 2010a). This must be seen as the result of the creation in 2008, prior to the financial crisis, of the Brigade for the Expulsion of Foreign Criminals (Bedex), a specialized police corp. The low number of common (non-criminal) foreign residents deported between 2008 and 2009 (10,625) compared to the total irregular population seems to be sufficient proof of the continuation of a very mild restrictionist attitude.

The measures of control have been quite successful. Although the goal of totally stopping the flow has not been accomplished, the increase in the number of foreigners who have registered in the Municipal Register (Padrón Municipal) amounts roughly to 80,000 in the period 2009–2011 (INE 2011). This is a remarkable achievement when compared with the previous 3 years period, when the figure amounted to more than one million.

For those already in the country, the socialist government’s policy prioritized permissiveness and integration. The number of regularizations through *arraigo* augmented dramatically. They were only 7427 in 2006 but surged to 30,231 in 2007, 66,200 in 2008, 82,300 in 2009, 65,676 in 2010, and 70,684 in the first half of 2011 (Napal 2010; Rodríguez-Pina and Pérez de Pablos 2011). This totalled 322,518 in the 6 years after the 2005 Zapatero amnesty, which means a dramatic decrease of undocumented migration, below the threshold of 10 percent of the total immigrant population. The figures also indicate that, in spite of all the European pressure, Spanish policy has remained consistent with its traditional policy.

The Council of Ministers order of July 10, 2009 has eliminated the geographic and activity restrictions from the work permit legislation, two barriers that hindered migrants’ chances of finding a job and has allow them to transition between employment and self-employment (Pajares 2009). In the meantime, many of those who had regular jobs subsist on well-earned unemployment benefits.²⁰ As for the rest, many of them have entered, hand in hand with many Spaniards, into the realm of a swollen underground economy. Spain’s is one of the highest in the OECD, with 19.5 percent of GDP (Izquierdo 2010). It is proving to be, as Alejandro Portes pointed out 25 years ago, an adaptive mechanism in post-industrial societies. Not even an aggressive offensive by the Ministry of Labor has been able to contain this trend: in spite of actions against the underground economy this increased 30 percent in 2009²¹ (Sanchez 2010). The role of the underground economy is probably one of the factors explaining the absence of violent social conflicts so far in today’s unemployment-ridden Spain.

²⁰When an individual loses a job in Spain (provided it was a legal job, with a legal contract, and with employment for at least a year), the person is entitled to receive an unemployment allowance whose amount and length of time varies depending on the number of years worked and last salary. The minimum period of time is 4 months, and the maximum is 2 years. The amount is 70 % of the salary during the first 6 months, and 50 % for the rest of the time, with a monthly cap of 1087–1400 depending on the number of children who are dependents.

²¹The Spanish Treasury (Ministerio de Hacienda) made 30 % more actions in search of company irregularities (such as tax evasion and hiring of workers without a contract).

On the aftermath of its electoral victory, the conservative government of Mariano Rajoy announced its decision to amend legislation in order to abolish the *arraigo* (Rodríguez-Pina and Pérez de Pablos 2011). While this toughening was expected from day 1, the conservative government did not initially steer very far away from the course set by its socialist predecessors. To the date the government has not abolished the *arraigo social*.

One of the reasons for this could be the fact that immigration does not seem to be an issue worrying society at the moment. The prophecy cast by Gimeno in 2001 has not been fulfilled in the realm of public opinion, either. In spite of the high unemployment rate there have been almost no signs of scapegoating against immigrants and no significant increase in ethnic tensions (those already mentioned in Salt notwithstanding). On the contrary, Spanish society seems to be in the process of digesting the sudden changes brought by immigration. Thus, whereas immigration was seen as one of the three main problems and threats for Spanish society all throughout the years of the economic bonanza by a large percentage of citizens (ranging from 30 to 60 percent between the years 2000 and 2007) only 7.6 percent of them showed concern in December 2011 (CIS surveys).

The trend is reflected in the political arena, as well. Xenophobic political parties have not thrived. The only exception, as noted above, is in Catalonia. Even here, the far-right PxC party seems to have reached its electoral ceiling in 2010, when it obtained 75,321 votes at the regional elections, losing support in the next local and national polls in 2011. Facing the need of counteracting the political success of PxC in these times of economic hardship, some local leaders of the mainstream parties in Catalonia defended some of the PxC positions. In 2010, some proposed denying registration in the PM to irregular migrants, which would have left them out of the public Health Care Service. However, this placed them outside of their own parties' ideological lines and found little support among their parties' national leaders (Clota 2010; Red Inmigrante 2010).

Eventually, however, the 2011 double dip of the economic crisis, which was mainly a sovereign debt crisis, pushed the PP government in the expected direction. With Royal Decree 16/2012 coming into force in September of that year, Mr. Rajoy's administration put an end to what we could call the Spanish exception, that is, the providing of free and universal health care to irregular migrants. Currently, this group, with the exception of the under 18, only has rights to emergency assistance care and prenatal and postnatal care for pregnant women (BOE 2012).

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Chapter 11

The Evolution of Russian Migration Policy in the Post-Soviet Period

Timothy Heleniak

Abstract With a foreign-born population approaching 9 %, Russia has the second-largest stock of migrants in the world after the USA. The country has become the main destination for migrants within the evolving Eurasian migration system. This chapter traces the evolution of Russian migration policy from relatively free movement in the immediate post-Soviet period to much more regulated migration after 2000. It analyzes (1) the actors who make and implement Russian migration policy, (2) migration trends, (3) the social, economic, and political environment in which migration policy is created, and (4) the actual laws and policies designed to regulate migration in Russia, paying particular attention to issues of restriction.

Introduction

Migration in Russia is unique because many of the current international flows into the country had been internal flows within one country just two decades ago. Within the Soviet Union, internal migration had been tightly controlled and there was almost no migration across the borders of the country. Flows into Russia from the other states of the former Soviet Union (FSU) and from other countries have increased considerably with the breakup of the Soviet Union, the economic transition away from central planning, and the liberalization of society (including the lifting of restrictions on migration). As a result, Russia has become similar to other migration destinations elsewhere in the world in terms of migration flows, the debate over proper levels of migration, and migration policy responses. However, there are some unique aspects to its current migration situation stemming from its authoritarian past.

This chapter traces the evolution of migration policy in Russia from the Soviet period to the present. As shown, the general trend of migration policy in Russia has

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been a combination of increasing restrictions as well as efforts to encourage and regulate labor migration to support growth. The chapter includes discussion of the social, economic, and political context in which migration policy is formulated; actual laws, decrees, and other policy instruments; the actors who formulate and implement migration policy; and the effectiveness of migration policy in meeting its stated objectives.

The chapter begins with an overview of migration trends in Russia during the post-Soviet period, which provides important context for the subsequent discussion. The chapter then follows a chronological approach, starting with Russian migration policy during the Soviet period and continuing through the 1990s, the Putin era, and the present.

Migration Trends in Post-Soviet Russia

According to 2009 United Nations estimates, the USA has the largest stock of migrants in the world (42.8 million), defined as persons living outside their countries of birth. It is a surprise to many that Russia had the second-largest stock of migrants (12.3 million) (United Nations 2009). Using data from the Russian censuses, the foreign-born population increased from 11.5 million in 1989 to 13.6 million in 2002 (CIS Statistical Committee 1989; Goskomstat Rossii 2004). Of those in 2002, about 5.2 million were “new” migrants who had arrived in Russia since 1989. For all other FSU states besides Russia, the stocks of foreign-born persons have declined since the breakup of the Soviet Union; fewer individuals have been migrating to these states, and many of the foreign-born have returned to their countries of origin.

These large stocks of foreign-born persons in Russia and across the former Soviet Union were the result of considerable internal migration among the 15 republics during the Soviet period. The breakup of the country added some 28 million persons to the global stock of migrants, which was about 10 % of the population of the Soviet Union (Zlotnik 1998; CIS Statistical Committee 1989). These were persons who found themselves residing outside of their newly independent country of birth when the USSR was dissolved. Russia had the largest number of foreign-born persons, while Latvia and Estonia had the largest shares of the foreign-born, each about one-quarter of their populations. More than 10 % of the populations of Ukraine, Belarus, Moldova, Kazakhstan, and Kyrgyzstan were foreign born. This was mainly the result of large-scale immigration of Russian and other Slavic populations during Soviet times.

The Soviet Union was, and Russia remains, an ethnically complex country. At the time of the breakup of the Soviet Union, there were 53 ethnic homelands within the country, of which 15 became the successor states to the USSR. In addition to these persons living outside their countries of birth, 54.3 million persons lived outside of their titular homeland at the time of the breakup of the Soviet Union, of which 43.4 million were representatives of the 15 newly independent states

(Zaionchkovskay and Korobkov 2002, 14). This included 25 million ethnic Russians residing in the other FSU states, constituting one of the largest diaspora populations in the world (Heleniak 2004). Russia continues to be a very ethnically diverse country, with 182 different ethnic groups identified in the 2002 census. Non-Russian ethnic groups make up more than 20 % of the country's population (Rossii 2002). This does not include the many temporary or labor migrants in Russia, nearly all of which are non-Russian. Furthermore, ethnic groups with a traditional adherence to Islam were estimated to constitute over 10 % of Russia's population in 2002 (Heleniak 2006).

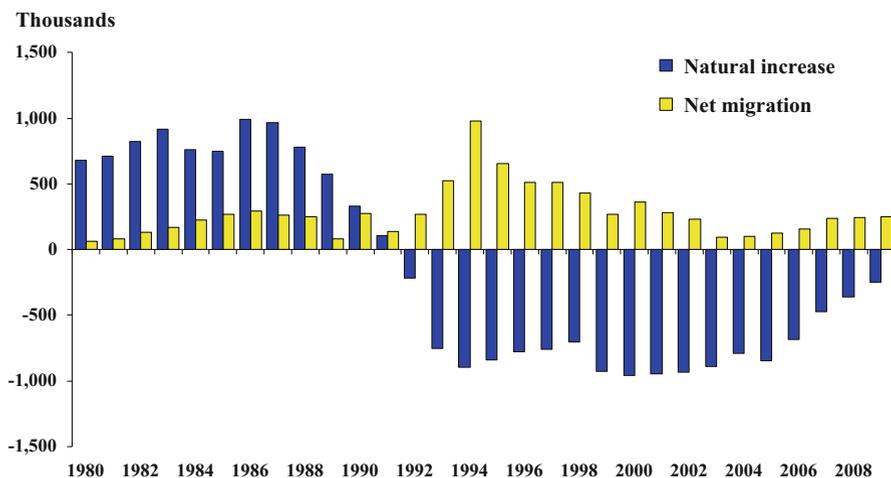
Thus, similar to the USA, Russia has large migrant stocks based on either place-of-birth or ethnicity. These migrant stocks in Russia make up vast networks of people who fuel additional migration into the country. Similar to the USA, it is often difficult for the state to intervene in migration processes with such well-established social and familial networks. In addition, there are long-established occupational networks of people from the non-Russian FSU states working in selected sectors or regions of Russia, many of which have carried over into the post-Soviet period. These networks were assisted and enabled by the historical path dependency of being part of one country for so long, as well as the common *lingua franca* of Russian, which nearly all know to some degree, if not fluently.

It is obvious that Russia has joined the international labor market as both a sending and receiving state. Some experts feared that Russia would suffer from a "brain drain" once border controls were loosened, but studies have shown that the scale of emigration of highly educated persons from Russia is smaller than expected and limited to fields such as mathematics, physics, and biology (Korobkov and Zaionchkovkaia 2008). Recent estimates put the number of Russian academics working abroad at 50,000. Because of economic circumstances in Russia and a reduction in research and development expenditures, this external migration of scientists is paralleled by a large-scale "internal emigration" into activities outside of their areas of academic training, often into more lucrative business ventures.

Until nearly the end of the Soviet period, the population of Russia was growing due to net immigration into the country as well as more births than deaths. Since peaking in 1993 at 148.6 million, the population of Russia has declined by 6.6–141.9 million.¹ Figure 11.1 shows how this decline has occurred through a combination of a steep negative natural decrease (more deaths than births) and insufficient migration into the country to compensate. Since the breakup of the Soviet Union in 1992, there have been 13.0 million more deaths than births in Russia and net immigration into the country of 6.2 million recorded, long-term permanent migrants (not including illegal or temporary labor migrants), or less than half the number needed to compensate for this demographic shortfall.

The general poor state of health of the Russian population and the steep decline in fertility has been the subject of numerous publications (World Bank 2005; Feshbach 2008; Eberstadt 2010; Heleniak 2009a, b). It has also received considerable attention from policymakers in the country who instituted a comprehensive

¹Federal State Statistics Service of Russia website (<http://www.gks.ru/> accessed 3 April 2010).



Source: Rosstat, Demographic Yearbook (various years).

Fig. 11.1 Net migration and natural increase in Russia, 1980–2009. *Source:* Rosstat, Demographic Yearbook (various years)

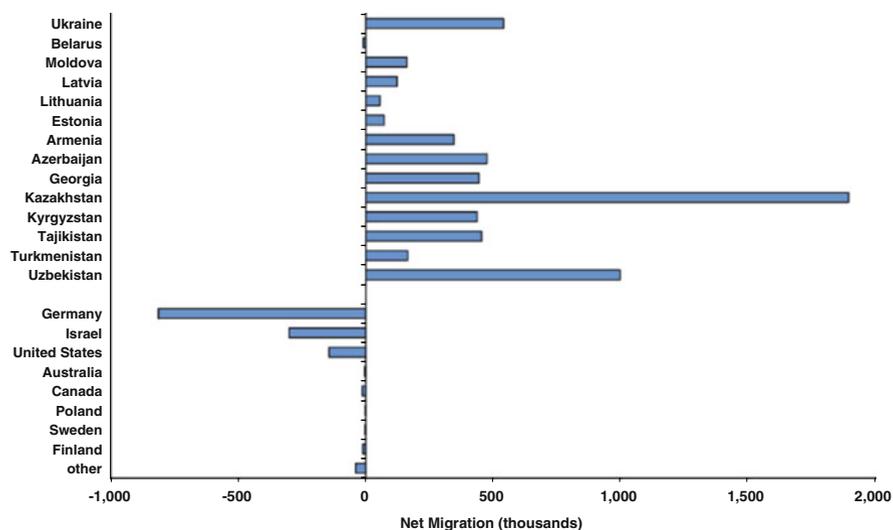
demographic policy to the year 2025 in order to increase fertility, reduce mortality, and create an effective migration policy (United Nations 2008).

Net migration into Russia rose sharply following the breakup of the country, peaking in 1994 when there was a net migration into the country of nearly a million persons. Net flows into Russia fell sharply from this peak to a low of less than 100,000 in 2003 before climbing to nearly 250,000 in 2009. These trends mostly reflect the actual pattern of flows, but they also contain an element of statistical misreporting. It is likely that the decline from the mid-1990s to the mid-2000s excluded an element of unrecorded migration, while the rise over the past few years includes the effects of changes to the migration recording system (International Organization for Migration 2009, 13). By the year 2025, the population of Russia is projected to decline to about 128 million, and by 2050 to about 108 million.² In addition to total population decline, the size of the working-age population peaked in 2006 at about 90 million and is expected to decline by 1,000,000 a year until 2020.³ Similar to the situation in much of Europe, these expected population and labor force declines in Russia are having an influence on current migration policy.

The pattern of migration exchanges between Russia and other countries constitute gains for all of the other states of the former Soviet Union and losses to those countries outside the FSU (Fig. 11.2). Since 1989, about 80 % of the 10.6 million

²This is based on projects done by the World Bank, *World Development Indicators CD-ROM 2007*, the UN (Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2006 Revision* (<http://esa.un.org/unpp>, accessed 24 October 2008), and the US Census Bureau, *International Data Base*, last updated 18 June 2008 (<http://www.census.gov/ipc/www/> accessed 24 October 2008).

³The working-age population in Russia is defined as males ages 16–64 and females ages 16–59.



Source: Rosstat (selected publications).

Fig. 11.2 Russia, net migration by country, 1989–2009. *Source:* Rosstat (selected publication)

people who have migrated to Russia have come from the other FSU states and 86 % of the 5.8 million persons who have migrated from Russia have gone to another former Soviet state. The three countries that sent the largest numbers of migrants to Russia were Kazakhstan, Uzbekistan, and Ukraine, the three countries with the largest Russian diaspora populations (Heleniak 2004). However, the migration to Russia consisted of much more than ethnic Russians, who made up only 58 % of the total immigrants to Russia from non-Russian FSU states from 1989 to 2007 (Goskomstat Rossii 2000). Ethnic Russians made up just under half of the emigrants to elsewhere in the FSU. The main countries of emigration outside the FSU countries were Germany, Israel, and the USA. Some, but not all, of this emigration could be classified as ethnically motivated. At least initially after the breakup of the Soviet Union, persons able to prove a certain level of “German-ness” had easy entry into Germany. Jews always had special access to Israel as part of the country’s founding ideology. About half of immigrants to the USA come under the family reunification clause, and with large numbers of ethnic Russians and Jews already in the country, many could enter this way (Baker 2010). There are often multiple motives for migration and, while being close to one’s ethnic or religious kin is often cited as one factor, the economies of these three countries were much stronger than Russia’s, at least in the 1990s.

Some scholars question whether ethnic factors or economic factors are the major driving force behind migration in the former Soviet Union. With the large ethnic or place-of-birth diasporas in the 15 FSU successor states, a desire to return to one’s country of birth or to live among other ethnic kin could have been a major migration push and pull factor. At the same time, the large increase in income disparities among and within the states could also be a major impetus to migration. It seems

that both factors have played a role, with ethnic factors being more important in the immediate post-Soviet period and economic factors becoming more important in the current environment (Mansoor and Quillin 2006). Other studies have confirmed that ethnic factors play a role only insofar as they influence standard of living (Radnitz 2006). There is also a difference in the relative importance of these factors for permanent and temporary labor migration.

At the present time, the large and growing income differentials between Russia and the other FSU states drives much of the migration into the country. In 2005, the per capita GDP of the three Baltic states were greater than that of Russia, but all of the other FSU states had much lower per capita GDPs (World Bank 2007a, b). These ranged from Belarus and Kazakhstan, where per capita GDPs was three-quarters that of Russia, to Tajikistan, which had an income only one-eighth that of Russia.⁴ The centrally planned economy of the Soviet Union had a non-market mechanism for setting prices and a system of subsidies that benefited the non-Russian FSU states at the expense of Russia. When the states became independent following the breakup of the Soviet Union and established their own separate budgets, most of these explicit and implicit subsidies stopped flowing from Russia to the other states. This helped boost economic growth in Russia relative to the other FSU states.

In 2005, ten non-Russian FSU states were among the top 30 emigration countries in the world as measured by percent of their populations.⁵ Thus Russia has become surrounded by countries where large portions of their populations are migrating abroad (or are attempting to do so). The economies of some of the non-Russian FSU states rely heavily on the remittance income that their workers earn in Russia. Their economies are extremely dependent on labor migration to Russia. According to the World Bank, Tajikistan, Moldova, and Kyrgyzstan were three of the four most remittance-dependent countries in the world, as measured by remittances as a share of GDP (Ratha et al. 2010). In 2008, half of Tajikistan's GDP came from workers' remittances, much of this from Tajik migrants in Russia. According to a number of World Bank poverty assessments of countries in the region, external migration is becoming a major source of income growth and poverty reduction (World Bank 2006, 2007a, b). Remittances to Russia have also increased considerably since 2000, but since 2001 Russia has been a net sender of remittances. In 2006, the net outflow was over \$8 billion (International Organization for Migration 2008, 42).

The spatial patterns of migration into Russia and also the patterns of internal migration need to be mentioned, as they have an influence on migration policy. As shown in Fig. 11.3, with the exception of parts of Siberia, the Far East, and some regions in the Caucasus, most regions of Russia have had net gains from international migration. Regions that have received the largest increases in international

⁴ Measured in current international dollars adjusted for purchasing power parity.

⁵ Those not part of this list were the Baltic states of Latvia and Lithuania, Turkmenistan from which emigration and labor migration is restricted and Uzbekistan.

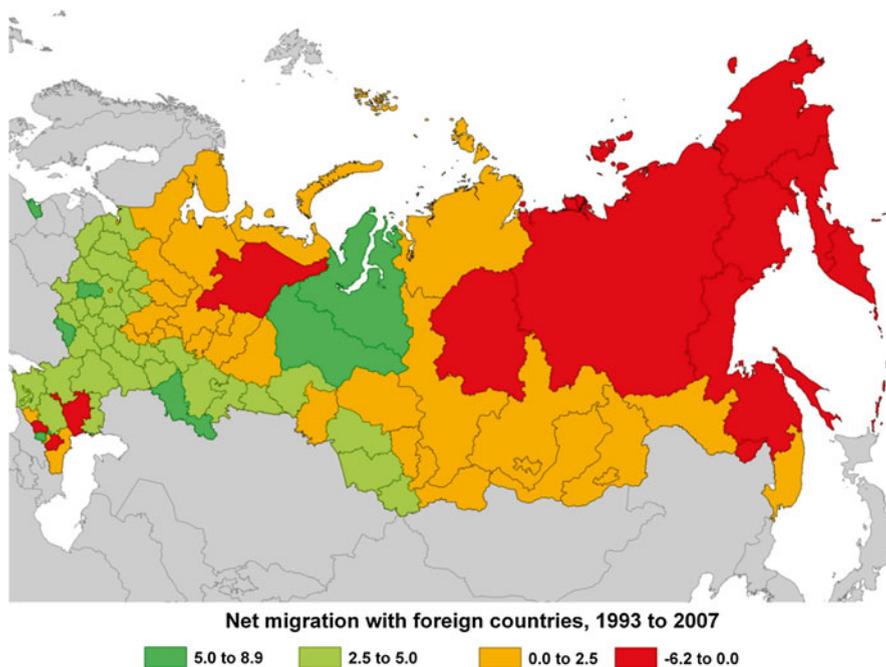


Fig. 11.3 Net gain from foreign migration by region, 1993–2007 (percent of 1993 population)

migrants are those along the southwest border, most in central Russia, including Moscow, and the Khanty-Mansiy and Yamal-Nenets regions in west Siberia—the oil and gas regions of the country that have fueled, and continue to fuel, so much of Russia’s recent economic growth (Heleniak 2008).

With the restructuring of Russia’s economic geography, the predominant pattern of internal migration has been out of Siberia, the Far East, and the Far North towards central and southern Russia (Heleniak 2010). This rapid depopulation of the northern and eastern peripheries of the country has led to fears of possible invasion or takeover of those regions from other countries. This fear is especially acute along the southern Far East region bordering China, where the population density across the border is much greater than in Russia. However unfounded or irrational as these fears are, the Russian government is taking steps to reinforce the border regions, and travel within the border zones is becoming increasingly restricted.

At the same time, regions with high rates of international migration (such as Moscow and the Krasnodar region in southwest Russia) have begun to develop their own migration policies, in effect, to reduce the number of migrants—although they technically should not be doing so because migration policy is under the purview of the federal government. Again, this is a situation not unlike that in the USA, where state and local governments are adopting migration policy or enforcing migration legislation in the absence of migration reform by the federal government.

Russian Migration Policy During the Soviet Period

There were considerable population movements within and across Russia and the former Soviet Union during World War I, as well as during the Bolshevik Revolution in 1917 and the subsequent Civil War, which lasted until 1923. The nascent Soviet government did not control much of the territory; consequently, most of these movements were spontaneous and the government exercised little control over them. However, as the Soviet state gained control over the territory, it also gained control over population movements in its overall attempt to control and plan all aspects of the economy and social life of the population. In 1932, a *propiska* (resident permit system) was introduced that required people to reside at a specific address and to obtain permission before migrating to a new location. A *propiska* was required in order to get a job and to gain access to social services. The systematic state control over population movements were not unique to the Soviet system and had a long history in the region. Tsarist Russia greatly restricted movements of peasants, tried to induce movements of people to the Far East, and used exile to Siberia as a form of punishment.

The central-planning system of the Soviet Union used the *propiska* and other measures such as regional wage differentials to direct the spatial distribution of the population according to the needs of the economy. The *gulag* (the Russian acronym for Chief Administration of Corrective Labor Camps) system sent many to Siberia and the North to develop the resources of these regions, which were critical to the industrialization of the Soviet economy. Graduates of colleges and technical schools were often required to work for a period in labor-deficit areas, migrant entrance into large cities was controlled to prevent overcrowding, and peasants were not allowed to have passports (thus restricting them to the provinces in which they resided and worked). Attempts to emigrate, which required an exit visa, were viewed as acts of treason. Travel abroad was the luxury of a small minority loyal to the Communist party. Migration into the Soviet Union of a small number of students and foreign workers from other communist countries was very carefully controlled. The external borders of the country were vigilantly guarded (Chandler 1998). Border controls were put in place to prevent the transfer of goods, people, and ideas to and from foreign countries and to maintain the Soviet state's exclusive right to determine such transfers. This ran counter to Marxist ideology, which believed that the Communist revolution would unite people along class, not national lines.

Strengthening border controls during the 1920s and 1930s was part of a pragmatic move by the Soviet government to achieve "socialism in one country." It also served to strengthen the state monopoly over foreign trade and centralized control over labor resources. Mass immigration and emigration were inconsistent with the new socialist state's view that they were to control and provide for their own labor market. By the 1930s, a highly restrictive border-control system was in place by means of strong physical barriers, a daunting bureaucracy, and an atmosphere of severe psychological intimidation. In general, the migration management system during the Soviet period was a coordinated part of the general economic and political

strategy of the state. The degree to which the Soviet state was effective in managing migration has been questioned as cities grew larger than government officials had intended, and there was almost continual rural out-migration in spite of efforts to stem it (Buckley 1995). Though the Soviet state did play a more effective role in influencing the spatial distribution of the population, many were able to circumvent the administrative barriers to move to more attractive locations, thereby showing that an element of neoclassical migration incentives were always at work.

During the Soviet period, Russia did not have any independent migration policy from that of the Soviet Union; what migration policy there was focused almost exclusively on what was then internal migration among the “fifteen republics” as they were then known, later called the “successor states.” There was out-migration from Russia to the non-Russian FSU states for most of the Soviet period until 1975. This was part of a deliberate strategy to send Russians and other Slavic groups to both control and to develop the economies of these states. After 1975, the direction of net migration between Russia and the other states reversed in Russia’s favor. As a result of the migration of Russians out of Russia and others outside of their defined ethnic homeland, considerable ethnic mixing during the Soviet period resulted in large diaspora populations. At the time of the breakup, 43 million people (about 15 % of the Soviet population) resided outside of their ethnic homeland.

During the early part of the Soviet period, the economy was growing in part because the labor force was growing. However, by the 1970s, the only region to experience labor force growth was the Central Asian states of the FSU. During the last decades of the Soviet Union’s existence, experts engaged in a vigorous policy debate about whether workers from Central Asia could be induced to migrate to central Russia, Ukraine, and other regions of the Soviet Union where most of industrial facilities were located. One side argued that because of strong cultural ties to their home regions, people from Central Asia would be reluctant to migrate in large enough numbers to central Russia to have any impact on growth (Feshbach 1977). Another side argued that because of demographic pressures, the mechanization of agriculture (which would release excess rural labor into the market), and pull factors in European Russia, there would be large-scale migration from Central Asia and the Caucasus to Russia (Lewis et al. 1976).

How this issue has played out in the post-Soviet period is quite interesting. The Soviet Union was, of course, a single labor market. In part because of this historical legacy, many from the non-Russian states still view it as such and are attempting to migrate to Russia in very large numbers, a fact that Russian migration policy has only recently begun to accept and realize.

Russian Migration Policy During the 1990s

Post-Soviet Russian migration policy can be divided into three different periods. The first is the period following the breakup of the Soviet Union at the end of 1991 until the end of the 1990s, when Boris Yeltsin resigned, thereby allowing Vladimir

Putin to become president. This ushered in a new, more disciplined approach to policy in a number of different areas, including migration. The second period is the migration policy under Putin for most of the 2000s. The third period examines current Russian migration policy and possible future directions.

When the Soviet Union broke apart, Russia needed to fundamentally reform its migration policy as it had almost no legislation, no ability to count migrants, and almost no legislative basis or institutional experience for dealing with refugees, international labor migration, or permanent migration from abroad. Russia also had little experience in interacting with the various international organizations which deal with migration matters, such as the International Labour Organization (ILO), International Organization for Migration (IOM), and UN High Commissioner for Refugees (UNHCR).

Consistent with the overall liberalization of society and privatization of the economy, a 1993 law abolished the resident-permit system of requiring people to gain permission to migrate in exchange for one that simply registered people moving to a new location.⁶ The enforcement of this registration system was considerably weaker than that of the previous system. Another law removed the requirement for an exit visa when migrating abroad, so Russian citizens were now free to seek employment and residence abroad (Ivakhnyuk 2009, 12). In October 1992, while other FSU states were liberalizing their migration regimes similar to Russia, they agreed to a policy of visa-free travel among the CIS states,⁷ called the Bishkek Agreement.⁸ It was obvious that Russia (as well as the other FSU states) had little experience in the area of international migration management under conditions of open borders, free travel, and market economies. Considerable undocumented and short-term shuttle trade began to emerge in Russia to fill consumer demand following the collapse of the state sector and prior to the emergence of the private sector. The Federal Migration Service (FMS) was established in 1992, and in 1994 President Yeltsin approved a federal migration program intended to regulate the migration process in Russia, protect the rights of refugees and forced migrants, and alleviate the negative consequences of forced migration (Presidential decree no. 1668, 1994). At this time, the focus of migration policy was on forced migration from various ethnic conflicts resulting from the consequences of the breakup of the Soviet Union. The first laws attempting to regulate labor migration were passed in 1993 and 1994 (Voronina 2006).

As new nation-states, or newly independent nation-states, Russia and the other FSU states needed to determine who would be included in the citizenry of the new nations. In making citizenship decisions, they were also demarcating the boundaries of the nation. This was particularly complicated for Russia and the other FSU states

⁶This was actually embedded in the new constitution, which also allowed for Russian citizens to freely leave and reenter the country.

⁷The CIS is the Commonwealth of Independent States and consists of all 15 of the states of the former Soviet Union except for the three Baltic states.

⁸The actual name of the law was “Concerning visa-free movements of CIS citizens over the territories of CIS member states” (International Centre for Migration Policy Development 2005).

because of the large ethnic and place-of-birth diasporas living outside and inside each new country. Relations among a homeland, host country, and diaspora group can be viewed through a triad of relations among the three (Shuval 2000). One question was whether Russians living in the non-Russian FSU states viewed themselves as members of the larger Russian nation and desired to migrate to the new homeland. It seemed as if most did not. One study of the view of ethnic Russians in four non-Russian FSU states has shown that less than one-quarter of Russians viewed Russia as their homeland, and most viewed their current place of residence as their homeland (Barrington et al. 2003). Russia did not really attempt to ‘stretch the homeland’ and include the large Russian diaspora, though they did make the path to citizenship slightly easier for Russians and Russian-speakers.

Relations between Russia and international organizations were initially wary, especially in the late Soviet period when the displacements were considered internal. However, in 1993 Russia asked the UNHCR to convene a conference to examine the issues of refugees, returnees, displaced persons, and migrants in the former Soviet Union. The CIS migration conference was held in Geneva in May 1996.⁹ The objectives of the conference were to provide a forum for discussion among the states about the displacements that were taking place, to review and document population movements in the region, and to build capacity in the states for dealing with these new movements. In 1992, Russia ratified the UN Convention on the Status of refugees and its 1967 protocol (Resolution 1992). Much of the attention towards migration during this period was focused on refugees and forced migrants. Additionally, many were concerned (and some feared) that a large portion of the 25 million ethnic Russians residing in the other FSU states would return, making it difficult for the economy and society to absorb them quickly.

In 1992, Russia created a category of forced migrants (*vynuzhdennyi pereselenets*), which was somewhat broader in scope than that of refugees (*bezhenets*) according to international law, and included those under extreme economic, political, or ecological situations, and those who had fled conflict (Federal Law no. 4530-I 1993). In practice, this definition included many ethnic Russians who migrated from the other FSU states to Russia. It also includes internally displaced persons (IDPs) and about 85 % of those registered under this broad category were IDPs. At its peak in 1998, there were 1,191,900 registered forced migrants in Russia (Rossii 2006). From 1993 to 1995, 814,000 migrants were granted this status, but as the ethnic conflicts in the region died down the numbers fell considerably to just 4092 in 2009 (Rosstat 2010, 161).

Preoccupied with other aspects of state building and a lack of data to demonstrate the fact, Russia was initially unaware that it had become the migration destination of choice within the FSU and that there were so many labor migrants in the country. The data collection systems had not caught up to the new migration flows in Russia,

⁹In the typical bureaucratic fashion of international organizations the full name of the conference was “Regional Conference to Address the Problems of Refugees, Displaced persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighboring States.”

most of which were unregistered (Andrienko and Guriev 2009; Ivakhnyuk 2009, 1). Estimates of the number of illegal or undocumented migrants in Russia varied widely, ranging up to 20 million (Grafova 2006, 10). Many of these were unregistered foreign migrant workers who were allowed to enter the country legally through the visa-free regimes that Russia has with many other countries—but who worked illegally because of inconsistencies in Russian migration law and over-complicated procedures for obtaining work and resident permits (IOM 2009, 15).

The peak year of inflows of permanent migrants to Russia was 1994. After that, recorded flows of permanent migrants declined considerably, but flows of temporary labor migrants increased. The focus of migration policy shifted towards this new reality of large numbers of mostly undocumented labor migration. In 1996, another attempt to conceptualize a coherent state migration policy was started in the form of a draft *Concept of the State Migration Policy of the Russian Federation*, but this did not come into law until after 2000 (Ivakhnyuk 2009, 35).

Russian Migration Policy Under Putin

On December 31, 1999, Russian President Boris Yeltsin surprised everybody by resigning and paving the way for his appointed Prime Minister, Vladimir Putin, who had a KGB background, to assume the presidency. In August 1998, the Russian government defaulted on its debt and the economy began to shrink considerably. The Russian economy that Putin inherited was in shambles. After the chaotic period of Yeltsin's rule, Putin began to assert discipline and to reassert state control over the economy and society. He had the advantage that the economy had started to turn around, in part because of increased oil prices (Goldman 2008).

One of the first migration-related acts undertaken by Putin was to withdraw from the Bishkek agreement, which allowed visa-free travel among the CIS states, and to negotiate travel between CIS and other states on a bilateral basis. At the end of 2008, Russia had visa-free agreements with nine FSU states. In general, the early 2000s was an era of increasingly strict and restrictive migration policies in Russia, in part because of national security reasons and fears of terrorism. The linkage between migration and terrorism is similar to the USA and other migration destinations, especially after the events of September 11, 2001 (Givens et al. 2009). This shift in Russian migration policy towards a more security-oriented stance happened during a period of considerable reshuffling of the country's migration bureaucracy (as well as other reorganization during the new administration).

In 2002, the FMS was transferred to the Ministry of Internal Affairs (MIA). Functions such as regulation of undocumented migration and refugee and forced migrant issues were transferred to this ministry. The MIA is a law enforcement agency that aims to maintain order by any means, including coercive ones. In March 2004, via a presidential decree from Putin, the FMS was reestablished as an organ under direct executive control, its director appointed by the president (Rahmanova-Schwarz). In the first half of the 2000s, the size of the FMS grew from 3000 to

18,000 officers. There was a general shift under Putin to use force or the threat of force to deal with a range of issues, including migration. As a result, defense and law enforcement agencies were given a wider purview, including in areas of migration and border enforcement.

In the early 2000s, there was a vigorous debate about the necessity of further migration into Russia. Right-wing political parties, such as the Communists and the Social-Patriotic Party, doubted the economic benefits. Similar to other conservative groups in migration-destination states, these groups claimed that too many foreigners had entered what was already a very multicultural state, and that most immigrants are engaged in criminal activity.

In May 2002, a new and rather restrictive citizenship law was passed, which reflected this renewed emphasis on control over the number and types of migrants entering Russia (Woo 2007; Federal Law No. 115-F3). Foreign citizens were required to obtain invitations to come to Russia and had to register within three days of arrival into Russia, the number of foreign citizens was subject to a quota system, and employment of foreign citizens would be valid only with a work permit. Citizens of the former Soviet republics had to go through the same registration procedures as nationals of other foreign countries. This likely caused a drop in actual registrations and an increase in undocumented migrants rather than an actual decline in migration. Also, a new two-part migration card for foreigners was introduced. One half is handed to the MIA authorities upon entry. The second part needs to remain with the foreigner and is handed back upon exit from the country on or before the stated date of departure. The law did not distinguish between citizens of the former USSR and others. This was part of a new Integrated System of Migration Control designed to combat irregular migration. The system of migration cards works fairly well at the border crossing points of what used to be the external borders of the Soviet Union, but less so at what used to be Russia's internal borders with other FSU states. The procedure for obtaining work permits was rather cumbersome, forcing many to bypass them and obtain work illegally. This subjecting many to abuses and led to increases in illegal employment rather than the anticipated decreases (Human Rights Watch 2009).

By the end of the decade and after 2000, a growing debate about the number of irregular migrants in Russia led to government officials and politicians inflating their numbers, including rather implausible estimates of 10–15 million (International Organization for Migration 2008, 67). Depending on the definition, a more plausible range was 2.5–3 million in the late 1990s and 3–5 million in the mid-2000s (Krassinets 1998). The results from the 2002 census confirm this undercount of immigration into the country. The census tabulated 1.8 million persons more than the inter-census estimates due to an under-count of legal immigrants (Rossii 2006). Coincidentally, this is the same undercount as for the city of Moscow, the chief destination region for both internal and international migrants in Russia (Heleniak 2003), which suggests the undercount largely involves the capital.

One key component of the reform of migration policy in any country, including Russia, is to assemble more accurate immigration data. This is essential to improving policy by providing a better idea of the actual size of the different migration

flows and their composition. There seems to be no equivalent in Russia to the careful estimates of the undocumented migrant populations is the USA done by the Department of Homeland Security (DHS) or the Pew research Center. This leads to all sorts of wild exaggerations as to the size of undocumented population or foreign labor force in the country. Most of these speculations, including those by the FMS, are politically motivated.

Table 11.1 shows the change in the migrant stock in Russia between 1989 and 2002. This only includes legal, permanent migrants to Russia who were enumerated in the 2002 census. The migrant stock has increased, according to the UN definition, from 11.5 to 13.6 million (or from 7.8 to 9.3 % of the population). The foreign-born population in Russia who were born in Ukraine and Belarus decreased considerably, as did the native-born population of Russia. For all three groups, this is the result of higher number of deaths than births because of their older populations, lower life expectancies, and lower fertility rates. Foreign populations born in other countries of the FSU increased in all except the three Baltic states. This was because of net migration of ethnic Russians who were born in these states, as well as titular ethnics from these states who migrated to Russia following the breakup of the Soviet Union.

Table 11.1 Place of birth of the population of Russia, 1989 and 2002 (thousands)

Country of birth	1989	2002	Difference between 1989 and 2002
Total population	147,022	145,167	-1855
Russia	135,550	131,609	-3941
Azerbaijan	479	846	368
Armenia	151	481	330
Belarus	1409	936	-473
Georgia	423	629	206
Kazakhstan	1825	2585	760
Kyrgyzstan	261	464	203
Latvia	100	103	3
Lithuania	116	86	-30
Moldova	229	278	49
Tajikistan	154	383	229
Turkmenistan	141	175	35
Uzbekistan	530	918	388
Ukraine	4596	3560	-1036
Estonia	65	67	2
Other countries and not indicated	994	2047	1053
Total migrant stock	11,472	13,558	
Percent foreign born	7.8	9.3	

Sources: 1989: CIS Statistical Committee and EastView Publications. 1989 *USSR Census (CD-ROM)*, Minneapolis: MN, 1996

2002: Goskomstat Rossii, *Itogi Vserossiyskoy perepisi naseleniya 2002 goda*. Volume 10, table 3 (<http://www.gks.ru/>, accessed 15 March 2006)

In some ways, public attitudes towards migrants in Russia are similar to other countries such as the USA. A strong anti-migrant opposition believes that migrants are stealing the jobs of Russians, are committing a majority of crimes, and are unhealthy. Perhaps more so than in other countries, there is considerable violence against migrants and various ethnic 'others' in Russia. Like elsewhere, much of the anti-migrant hysteria is fueled by populist press reports. In addition, the large pro-migration portion of the population has a voice that is often not heard in the debate. In contrast to other countries, the Russian political system and the role of public opinion (which has relatively little influence in the formation of almost all policies in Russia) follow a different pattern than in the west (Ivakhnyuk 2009, 47). The formation of migration policy is much more centralized, with the President guiding most of it. Partly because of its concern over illegal or undocumented migration, Russia withdrew from a number of multilateral migration agreements and began to negotiate the terms of migration into the country on a multilateral basis.

Current Russian Migration Policy

Several different entities develop migration policy in Russia, including the President, the Federation Council (the upper house of parliament), the State Duma (lower house of parliament), and Executive branches including the Ministry of Foreign Affairs, the Federal Security Service, the Ministry of Internal Affairs, the Ministry of Health and Social Development, and the Federal Service for Labor and Employment. The Russian business community and trade unions also play roles, as does the public and the press. There are a number of migration assistance organizations in Russia. A notable leader is Lydia Grafova, head of the Forum of Migrant Associations, an umbrella organization for migration non-governmental organizations (NGOs) in Russia that was formed in 1993.

The office of the President seems to have the greatest influence, especially since the power of competing political parties has been greatly diminished. The Federal Migration Service has the responsibility for implementing migration policy, along with the Federal Border Service. According to one source, more than ten federal acts, over 100 presidential decrees, parliamentary resolutions, and ministerial acts, and dozens of international and intergovernmental agreements make up migration policy in Russia (IOM 2008). However, according to the research conducted for this project, over 300 federal laws, government decrees, presidential orders, and other pieces of legislation pertaining to migration in Russia have been passed over the 20-year period from 1989 to 2009, indicating the importance of migration in Russian public policy (IOM 2008).¹⁰

¹⁰This detailed "Russian Migration Legislation Timeline, 1989–2009" was painstakingly compiled by Erin Hofmann and Yuka Minagawa. The most recent version of the database was issued in November 2009.

Over the course of the 2000s, the debate in Russia has shifted from restricting migration to the need for carefully controlled labor and other migration into the country as a means to provide for demographic and economic growth. After 2000, Russian migration policy had definitely become more restrictive overall, but it included some features that were more tolerant towards temporary labor migrants. The period since the mid-2000s is one of liberalization combined with increased regulation of the flows into the country. This shift began with a speech in March 2005 by then-President Putin saying that the country needed to revise its migration strategy to its benefit. A number of objectives behind this new policy include:

- Demographic reasons—to make up for labor force declines.
- Economic considerations—the need for labor in the growing Russian economy.
- National security—a broader focus than just illegal migration.
- Social considerations—a careful balancing act to calm xenophobia and intolerance.
- Counteracting corruption—previous migration legislation led to a large shadow economy and abuses of migrants.
- Competition for migrants—since 2001, Kazakhstan has become a more preferred destination for migrants from many Central Asian states.
- Geopolitical concerns—legal employment and the social wellbeing of migrants is a way to reinforce integration among CIS states (Ivakhnyuk 2009, 50–52).

In June 2006, the Duma approved the law “On Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation” (Federal Law No. 109-F3 2006). To implement these objectives, two laws were introduced at the beginning of 2007—one that amended the law on the legal status of foreign citizens in Russia, and another that changed the registration procedure for foreign citizens. Through these laws, the length of stay was increased to 6 months, the government began directly issuing work permits to foreign workers rather than employers, employers were allowed to hire any citizen with a work permit, and the procedure for registering residency was simplified. The Federal Law makes the process of hiring foreign workers easier for both employees and employers. Foreign nationals who desire to reside in Russia no longer need to obtain permission from authorities; instead, the former simply notify them. Keeping a count of foreigners in Russia is an aspect of migration control as it helps to protect the rights of legal migrants and to promote national interests.

In 2007, a quota of six million work permits for foreign citizens was set. At the same time, a law passed that disallowed migrants from working in retail sales of alcohol and pharmaceuticals, and, importantly, did not allow them to work in the local markets, a common labor market niche for non-Russians. This latter clause was the result of a hidden political struggle and was blatantly populist.

Aside from this clause, the new policy in many respects is more humane than the previous law and those in other countries. It gives legal status to many foreign workers in the country, encourages them to come to Russia regularly, and makes the process of migration more transparent. Built into the new policy is increased respect for migrant rights. This was certainly an improvement on the previous policy, which

allowed citizens from the CIS states rather easy entry to Russia but made it difficult for them to work or live in Russia (Light 2009). With these new rules in place facilitating work permit acquisition, workplace enforcement against hiring illegal workers increased; for example, the fine for hiring illegal workers increased from 8000 to 90,000 rubles under the new legislation. For most of the 1990s, the number of work permits issued for foreign workers was less than 200,000, which was far below the actual number of foreign labor migrants. With the new legislation, many migrants were able to legalize their employment status, and the number of permits increased significantly to 700,000 in 2005, 1.0 million in 2006, 1.7 million in 2007, and 2.4 million in 2008 (International Organization for Migration 2009, 14).

With the economic crisis, in 2009 the quota for labor migrants was cut from 3.9 to 1.95 million. Reductions in the quota came nearly equally from the CIS states and from regions outside the CIS, demonstrating the widening number of source countries that sent labor migrants to Russia, although the main source countries for permanent migrants to Russia remain the CIS states. Part of the reason for the passing of the law on the registration of foreign labor migrants was to regularize their status, as well as to be able to better track their numbers at any given time.

Russian migration policy had always been ambivalent about the repatriation of the 25 million ethnic Russians residing in the other FSU states. Russia initially attempted to institute dual citizenship with the other states in order to strengthen ties to the homeland while allowing these ethnic Russians to remain in those states. Only one state, Turkmenistan, initially accepted this proposal, but later rescinded it. While the Russian diaspora had been given a somewhat easier path to citizenship, they had not been encouraged to return en masse until 2006. A new citizenship program adopted by Presidential decree (in effect from 2006 to 2012) offered travel expenses, monthly allowances, and other benefits for Russians who would migrate to Russia.¹¹ It provides high levels of assistance to migrants who choose to settle in high-priority regions, defined as strategic border regions with low population density. Later amendments made the path to citizenship easier by waiving the length of residence requirement (Federal Law No. 163-F3 2008). While there are still an estimated 20 million ethnic Russians residing in the other FSU states, the program was implemented a bit too late; those of the Russian diaspora who wanted to migrate to Russia had already done so, and the others had sought other accommodations in the non-Russian FSU states in which they lived. The program aimed to facilitate the return of 50,000, 100,000, and 150,000 compatriots in 2007, 2008, and 2009 respectively. However, only 682 persons took part in the program in 2007, 8279 in 2008, and 7357 in 2009 (Rosstat 2010, 34).

Surveys have shown that most Russians in FSU states have felt abandoned by Russia (Peyrouse 2007). The non-Russian FSU states had been engaged in a process of promoting indigenous groups; Russians felt left behind while these other groups were elevated, although they did not feel they were targets of discrimination. As a result, Russian-language education has deteriorated, which pushed out many of the

¹¹The name of the program was “Measures to Facilitate the Voluntary Relocation to the Russian Federation of Compatriots Living Abroad,” Presidential Order No. 637, 22 June 2006.

younger generation of Russian speakers (and it was the younger and more educated Russians who left in largest numbers). Most Russians described their current place of residence as their homeland, not Russia.

By the time the 2006 policy was adopted, the process of ethnic reshuffling had been played out and ethnic factors were no longer driving most migration movements in the region. There were vastly different rates of emigration of ethnic Russians from the other FSU states, ranging from 2 % in the other Slavic states of Ukraine and Belarus to two-thirds in Armenia and Tajikistan. However, a strong correlation between the rate of emigration of Russians and non-Russians indicated that the push factors were economic, not ethnic. Thus, Russia's attempt to reach out to a vastly smaller Russian diaspora to make up for its demographic shortfall was a couple of decades too late.

Current statistics show that the steep population decline in Russia has slowed and might have even stopped.¹² The FMS is quick to take the credit due to the increase in migration into Russia, although increases in fertility, decreases in mortality, and lower levels of emigration also played roles (Bratersky 2010). Some is the result of changes in the system of registering migrants introduced in 2007, which caused many who were already in the country to legalize their stays. This is similar to the situation in the USA, where over half of the "flow" of long-term residents represents adjustments in the legal status of people already in the country (Monger 2010).¹³

Migration policy is again becoming a key aspect in Russia's foreign relations, especially with some of the other FSU states. For key sending countries, such as Moldova, Tajikistan, Kyrgyzstan, and Uzbekistan, that send large numbers of their citizens to work in Russia, the issue of the protection of their rights has become of paramount concern and a factor in their relations with Russia. Many have set up offices to manage labor migration similar to other countries with long histories of emigration, like Philippines (Gevorkyan et al. 2008; IOM 2009; Rodriguez 2010). Many of these countries have signed bilateral treaties on labor migration with Russia. Because Russia is the source of employment and income for such large segments of the population and the economies of the other FSU states, it is able to exert or re-exert economic and political influence.

Conclusions

The focus of Russian migration policy has shifted from refugee and forced migration to permanent migration to temporary labor migration and control. The migration statistics system has adjusted accordingly. Nearly two decades after the breakup of

¹² According to Rosstat, the population only declined by 4000 people from the beginning of 2009 to the beginning of 2010, from 141,904,000 to 141,900,000. The next Russian population census is scheduled for October 2010 which will confirm the actual population change.

¹³ The actual percent of LPRs who were actual adjustments in status ranged between 58 and 59 % in the years 2007–2009.

the Soviet Union, Russia has adjusted to the new migration reality that it faces as the major migration destination within Eurasia, and it is attempting to construct an appropriate migration policy. Russia has shifted from a rather open migration policy in the 1990s, to a rather restrictive policy in the early 2000s, to a more regulated policy after 2010.

The movements that took place in the Soviet Union were internal migration within one country. Though these flows are now international, they still constitute one migration system. They can be thought of like the floating population in China, the estimated 150 million persons, mostly labor migrants in the booming coastal cities, who are not living at their place of registration (Fan 2008) albeit on a smaller scale. Instead of seasonal or temporary migration flows within one country, these are temporary or labor migration within what was formerly one country. Russia is right to focus on temporary labor migration, as this seems to have become the dominant form of movement to the country and will continue to be in the future now that much of the permanent migration to new countries has slowed. According to a 2009 Gallup poll, 24 % of CIS citizens desired to move abroad temporarily for work, but only two-thirds of those (68 %) desired to move abroad permanently (Esipova and Ray 2010). Thus, if constructed properly, this new migration policy in the Eurasia region could work to the benefit of both sending and receiving states as migrants are an important resource for economic development for both.

The impetus behind the reforms and much of the recent legislation implementing it were the result of presidential decrees rather than legislative acts, something that is not possible in the USA. Successive US administrations have attempted immigration reform to no avail, leaving state and local governments to take migration policy into their own hands. If implemented properly, recent policy initiatives towards labor migrants in Russia would produce a more humane treatment than in the USA. Surveys have shown that the share of legal foreign labor migrants in Russia has increased from 10 to 15 % before the recent legislation to 15–25 % afterwards, which still leaves a large portion of the foreign labor force illegal.

Because migration is such a complex phenomenon, creating a policy to regulate migration often leads to unintended consequences. Russia does have some policy options that are not available to liberal democracies, including the use of more coercive measures in dealing with migration and a more centralized political decision-making apparatus. It could use this climate to create a migration policy for the benefit of Russia, the major sending countries, and the migrants themselves. If done well, it will not slip back into the country's authoritarian past and attempt to dictate the spatial distribution of its population.

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Part IV
Effects on Sending Nations

Chapter 12

The Changing Patterns of Return Migration from the USA to Mexico and Their Policy Implications

Claudia Masferrer and Bryan R. Roberts

Abstract This chapter examines changes in the characteristics of contemporary return migration to Mexico in a period dominated by tighter border controls and rising levels of involuntary, and therefore unplanned, return migration. We use the complete set of individual and household records of the 2005 Population Count of Mexico to establish a reliable benchmark against which to compare previous and subsequent migration patterns observed in the Mexican censuses and counts of 1995 and 2000 and, to a more limited extent, the 2010 Mexican Census. Our data suggest that individuals returning to Mexico today are choosing a different set of destination locales than in the past, in which returnees primarily returned to small rural communities in the Center-West of Mexico. In particular, they are now increasingly attracted to border cities, prosperous small towns, and growing metropolitan areas in Mexico. These attractive destinations for return appear to be less dependent on prior patterns of out-migration than on emerging patterns of economic opportunity within Mexico.

Introduction

This chapter examines changes in the characteristics of contemporary return migration to Mexico in a period dominated by increased border regulation. We mainly use the 2005 Population Count of Mexico because we have access to the complete set of individual and household records, enabling us to establish definitively the

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patterns of return migration at locality, household, and individual level. The questions on migration are limited in the 2005 Population Count, but they establish a reliable benchmark against which to compare previous and subsequent migration patterns. We thus also use the Mexican censuses and counts of 1995 and 2000 to explore trends, and, to a more limited extent, the 2010 Mexican Census. Our data suggest that individuals returning to Mexico today are choosing a different set of destination locales than in the past. In particular, they are increasingly attracted to border cities, prosperous small towns, and growing metropolitan areas in Mexico. This is in contrast to previous patterns, in which returnees primarily returned to small rural communities in the Center-West of Mexico. These trends hold true up to 2010, despite the increase in return migration between 2005 and 2010 (Masferrer and Roberts 2012).

The general context for our analysis of return migration is the current period of tighter border controls and rising levels of involuntary, and therefore unplanned, return migration. Unplanned return migration, in addition to the geographical shifts we identify, complicates the policy challenges of incorporating return migrants into their nations of origin.

Our analysis aims to contribute to the current Mexican policy discussion of unregulated migration to the USA in which migrants receive little support or information either on their journey to the USA or on their return. As such, it seeks to contribute to the wider issues of comprehensive immigration reform, regularizing unauthorized Mexicans, and how to increase (or decrease) the number of working visas (Martin 2008; Massey et al. 2003).

In the following sections, we first discuss the nature of return migration in an era of tight border restrictions. We then compare the characteristics of contemporary returnees with those of the Mexican-born population in the USA and the established Mexican population in the places to which they return. These include age, gender, and education, as well as the formality of the jobs held by migrants on their return. We also consider the relation between past and present geographical patterns of migration to the USA, including the rate of previous migration to the USA and whether it was permanent or circular. We also consider the poverty, community size, and Mexican state to which migrants return.

Only one question regarding migration is available in the 2005 Population Count: “In which state of Mexico or in which country were you living five years ago?” (“Hace 5 años, en octubre de 2000, ¿en qué estado de la República o en qué país vivía?”). We define and calculate a rate of return as those who were in Mexico in 2005, having been in the USA in 2000 over those who went to the USA from 1995 to 2000 and did not come back by 2000.¹ Migration is measured in the Censuses and Counts based on a 5-year period. Intracensal migration is defined as the population that went to the USA during the 5 year period and returned to Mexico within the period. So, for example, 1995–2000 intracensal migration is defined as the popula-

¹The return migration rate can only be calculated at the state level and by type of locality in terms of its population size because of the sampling limitations of the 10 percent sample of the 2000 Census.

tion that left in the period of 1995–2000 (after the 1995 Population Count) and returned to Mexico before the census of 2000. Intracensal migration is captured in the extended questionnaire of the 2000 and 2010 Population Censuses and cannot be measured for the period 2000–2005.

Note that the populations now resident in Mexico reported as living in the USA in 1995 in the 2000 Census, or those living in the USA in 2000 in the Population Count of 2005 can include people who migrated to the USA many years before either 1995 or 2000 since there is no question about the date when they originally migrated. Thus, places with a large and long-standing stock of migrants in the USA have a potentially much larger base for generating return migrants.

The Nature of Return Migration

For most of the twentieth century, most migrants to the USA from Mexico were temporary, moving for seasonal work in the USA or to accumulate skills or savings to use on their return to Mexico, where the rest of their family had remained (Arias 2009; Durand et al. 2001; Massey 1999). Temporary migration provided cash income that supplemented subsistence agriculture and rural craft production in Mexico.

Historically, subsistence in many rural communities in Mexico depended on the repeated temporary migration of adult males in the household. Children and female heads of household remained in the village, and the difference between the costs of subsistence and what could be provided from local resources was provided by the earnings of the predominantly male migrants in the USA (Borjas and Bratsberg 1996). This circular form of migration could persist for many years and become an integral part of village economies (Massey and Zenteno 1999). To be cost effective, circular migration also depends on developing stable relationships with places of destination in the USA, whether with employers or friends of relatives from the home village (Massey et al. 2006).

A different type of return migration is target migration. Target migration differs from circular migration in that target migration aims at raising capital for investment in projects back home. This will occur when there are local economic opportunities, but their exploitation depends on having cash, which is difficult to obtain in the absence of credit systems for lower-income workers. The target migration type presupposes that the target migrant may stay away longer than the circular migrant, but is less likely to migrate again when the target is met, preferring to stay to enhance his or her business or farm.

A third type is life-stage migration, which occurs at two different life stages—among youth before marriage and family responsibilities, and among those working toward retirement. A youth culture of migration has been detected in various studies (Alarcón 1992; Kandel and Massey 2002) in which part of the transition to adulthood is to “hacer el norte.” Return migration has also described elderly Mexican workers in the USA who decide to return to their home communities where the cost

of care and subsistence are lower. These three components of return migration can easily overlap. For example, target migrants may also fit the life-stage model.

Over time, rural-origin migration was increasingly complemented by urban-origin migration. This was partly based on triangular relationships formed by internal rural–urban migrants in Mexico who use the contacts established by those who had previously migrated directly to the USA (Roberts et al. 1999). Also, the origins of Mexican migrants diversified away from the traditional sending areas, such as the Center-West of Mexico, to new areas, such as Veracruz (Escobar 2008b; Tuirán et al. 2002). Mexican migrants began to travel to new destinations, such as north-eastern and northwestern USA (Donato et al. 2008; Leach and Bean 2008; Roberts and Hamilton 2007).

Regulations and Control

The incidence of return has, however, changed over time as Mexico–USA migration has increasingly become a permanent flow based on year-round employment opportunities in the USA, well-established migrant communities there, and the lack of economic opportunities in Mexico (Riosmena 2004; Roberts 1995).

Return migration has continued, but at substantially lower levels. A further difference is that increased border enforcement in the last decade has increased the proportion of involuntary return migrants. Much of this is due to deportations from the interior resulting from vigorous Department of Homeland Security (DHS) enforcement efforts. This has added a new return dimension, as many individuals are no longer simply caught and returned at the border but are now removed from states far from the border region. Such removals are more likely to affect Mexicans who have spent more time in the USA and are therefore more likely to be living with other family members.

Removals are the compulsory and confirmed movement of an inadmissible or deportable alien based on an order of removal with or without a criminal charge. We do not consider that class of deportations that occurs without an order of removal.² For the period of 1996–2000, 578,282 Mexican immigrants were removed; 231,180 (40 percent) based on a criminal charge and 347,102 (60 percent) without a criminal charge (US Department of Homeland Security 2009). For the years of 2001–2005, DHS reports a total of 773,528 Mexicans removed. Of these, 321,178 (42 percent) were removed based on a criminal charge or with a criminal conviction, and the rest (452,350, 58 percent) were considered noncriminal at the time of removal. In the years 2005–2009, 1,094,274 Mexican immigrants were removed, 395,308 on a criminal charge and 698,962 as noncriminal deportees (US Department of Homeland Security 2011).

²Most of those removed without an order of removal are apprehended by the US Border Patrol, so these figures may overestimate the number of people by counting the several attempts of one person to cross. Note, however, that no information is gathered about the time the deportee spent in the USA and whether or not they were deported previously.

The number of involuntary deportees from 2001 to 2005 and from 2005 to 2009 substantially exceeds the total number of intercensal returnees reported by both the 2005 Mexican Population Count (244,426) and the 2010 Census (985,383) for the same period,³ suggesting that return migration is increasingly an involuntary decision. However, even among involuntary deportees, we would expect that a large number will have plans to return to the USA after deportation and that a lower, but significant, number do actually return to the USA, despite the risk of criminal charges (Hagan et al. 2008).

The increasing importance of permanent Mexican migration to the USA is associated with changes in both informal and formal regulation. Informally, the social networks and communal culture that facilitate migration, which first developed in Mexico, also became entrenched in the USA. This enabled Mexican migrants to settle in the USA while still keeping up with, from a distance, events and people in their communities of origin (Smith 2006). Formally, regulation has changed from a regime that supported temporary migration, as in the *Bracero* program, to laws more favorable to permanent migration (for those that qualify), as in the family reunification provisions of IRCA which gave immigration preference to children, parents, and siblings of legalized immigrants. Even the current restrictive migration regime indirectly favors permanent migration because increased border control may deter circular migration for undocumented migrants because of the difficulty and costs of returning to the USA (Cornelius 2008; Fuentes et al. 2008; Massey 2005a, b).

The individual characteristics of return migrants (such as age, gender, and education), their legal status as migrants, and the economic conditions of the communities from which they originate have been shown to affect their employment chances in Mexico and whether they will settle in a different community (Gitter et al. 2008; Lindstrom 1996; Massey et al. 2006). In our analysis, we focus on access to social security and health services as a proxy for formal employment in order to explore possible sources of inequalities between returnees and nonmigrants.

Since individual and community poverty influence migration to the USA and remittances from the USA (Escobar 2008b; Janssen and Escobar 2008; United Nations Development Programme 2007), poverty is also likely to be selective of return migrants and the communities to which they return. Data has shown that most of the migrants to the USA are not coming from the poorest municipalities; the relationship between poverty and marginality and out-migration is not linear (Zenteno 2008). Actually, the degree of marginality and the index of migration intensity show an inverted U relationship. Also, due to the costs of financing their trip, “the emigration rate among the poor is lower than the non-poor... [but] during the past 20 years, emigration has risen particularly rapidly in states with high poverty and marginality rates, and especially in the South (Oaxaca, Veracruz, Puebla, Campeche)” (Escobar 2008a).

³ Intercensal returnees are those living in the USA 5 years previous to the Count or Census and now back in Mexico.

If people return to their original home towns, then the relationship between return migration and poverty should be similar to the relationship of emigration and poverty. However, if people tend to return to different places, then this pattern should show a shift. Thus, high proportions of returnees in places with opportunities are likely to indicate not only a greater propensity of their inhabitants to return to these places but also the addition of people who are choosing not to return to their place of origin, but to a new destination. Also, we assume that people are less likely to go to places that are marginalized.

Mediating these changes in return migration are the effects of Mexican regional differences in migration to the USA. The migration flow that originated in the beginning of the twentieth century in rural western Mexico communities constitutes now a well-established flow such that we can identify states as traditional sending regions. The states that are considered under this category are: Aguascalientes, Colima, Durango, Guanajuato, Jalisco, Michoacán, Nayarit, San Luis Potosí, and Zacatecas (Tuirán et al. 2002). The studies emanating from the Mexican Migration Project have shown that long-established migration flows generate a cumulative causation in which earlier migrants facilitate the migration of subsequent ones, making it easier for women or those with fewer skills or material resources to migrate (Massey 1990, 1999). Long-established flows are also likely to mean that a larger proportion of the community's migrants have the documents they need to enter the USA, gained mainly through the provisions of IRCA and family reunification.

These factors are likely to have contradictory consequences for return migration since the presence of well-established migrant communities in the USA may encourage migrants to stay, but strong transnational networks and legal documentation may support circular migration. The border region of Mexico and the USA is a special situation. Fussell (2004a, b) finds that Tijuana plays a twofold role in the migration flow: a destination for internal migrants (and, we would say, for returnees) and a home base for migrants that make repeated trips to the USA. In her work, she analyzed the role of this region, focusing on Tijuana, in complementing the established rural and newer urban flows. The increase of the flows of returnees in the border region suggests that its increase is related to involuntary deportation, but this deserves further research.

Resettlement, Reintegration or Settlement and Integration

Perhaps the overriding question about contemporary return migration to Mexico is whether the increasingly unplanned nature of return migration due to increased removals makes it difficult for returnees to adapt to their places of origin. Black and Gent (2004) stated that for refugees, "in practice, the experience of return may be more, rather than less problematic than the experience of exile." For example, in fieldwork in a Yalálag community in Oaxaca, Gutiérrez Najera's (2007) work discussed the conflicts that arise through the different views of progress between return migrants and those who stayed. A recent study examined the return of asylum seekers from six countries after their demand was rejected; the authors argued that return

migration should be considered beyond reintegration—and instead as the extent to which they have economic, social, and personal support relations in the places of return (Ruben et al. 2009). They focused on induced or involuntary returnees who must leave because they are expelled or because no legal, plausible alternative is available that will let them stay. Using qualitative and quantitative methods, their work showed that individual and family characteristics, the migration cycle, and economic as well as non-economic assistance are key factors for re-embedding upon return. Additionally, they found that those who intended to stay abroad temporarily were better prepared to return after they were deported than those who were hoping to permanently settle.

Whether return is planned or unplanned, contemporary return migration to Mexico entails a difficult economic integration into communities of origin. Returning to rural and small town communities of origin becomes more problematic as urbanization and competition from imported agricultural and manufactured goods undermine local subsistence (Arias 2009; Escobar et al. 1987). Lack of local opportunities force returnees to seek work in economically dynamic regions where the skills learnt abroad and their savings can be put to more effective use. Originating in or moving to such regions on return advantages return migrants, as described by Hagan et al.'s (2015) research in the state of Guanajuato.

Case studies done in collaboration with CIESAS del Occidente of voluntary and involuntary returnees illustrate these processes.⁴ The returnees live in Guadalajara, and in three villages located between 30 and 40 miles from Guadalajara chosen because of sharp differences in their social and economic profiles (Roberts 2016). One is in an area of commercial soft fruit farming for export, another is a mainly indigenous community on Lake Chapala dependent on tourism and daily journeys to work in the industrial plants to the south of Guadalajara, and the third is a poorly connected rural community based on subsistence farming and migration. Even in Guadalajara reintegration is not easy with returnees finding difficulty in obtaining work in the formal sector, particularly if they are undocumented and cannot provide references from previous employers. However, several of the returnees had come to Guadalajara after working in the USA and finding it difficult to settle in their village of origin. In the village with soft fruit farming, both undocumented and documented returnees have found small-scale entrepreneurial opportunities, based on farming skills they learnt in the USA and some savings. In contrast, there are few opportunities for returnees in the indigenous village, and they depend on family networks to provide jobs in construction and agriculture in other communities of the lake region. The subsistence farming village continues to depend on international migration, now mainly to Hawaii, and even deported migrants reenter the USA in face of the lack of local economic opportunities (Greene 2016). In general, deportation carries more stigma than voluntary return, as Christine Wheatley's studies of return migrants in Jalisco and Oaxaca show; but the basic issue in the

⁴Approximately 50 detailed interviews were done by researchers from CIESAS del Occidente (Elizabeth Perez and, Daniela Jiménez), the Colegio de Michoacan (Marcelo Zamora), and the University of Texas at Austin (Josh Greene).

mainly rural communities that she studies is not deportation or voluntary return, but whether the returnees bring resources back to compensate for the loss of remittances (Wheatley 2016).

Characteristics of the Returnees

This section will provide a basic description of who the returnees are. We will compare briefly some of the characteristics of contemporary returnees with those of the Mexican-born now living in the USA as well as the Mexican population in the locations of return. We will consider age, gender, education levels, and the formality of the jobs held.

Table 12.1 shows some basic sociodemographic characteristics of Mexican migration to the USA for the period 1990–2005. First, note that return migration has decreased in absolute numbers. Furthermore, the proportion of male and female returnees has remained fairly constant, and we see a relative decrease of the distribution of returnees at ages 20–34 with a relative increase of people 50+ years and children.

Figure 12.1 shows the age pyramid in 2005 for Mexican-born males and females who were living in the USA in 2000, while Fig. 12.2 shows the age pyramid of returnees to Mexico in 2005. First, note the difference in the scales of both pyramids. Also, the gender distribution is more skewed for returnees than for the Mexican-born migrants in the USA; males are disproportionately more likely to return. In Fig. 12.2, note that the distribution of males and females is nearly equal for ages 5–20, and that these individuals were between 0 and 15 years old in 2000 when they were in the USA. This equal distribution may be evidence of male and female dependents returning to Mexico together with other family members, and that they are likely to be living in nuclear family households in Mexico. The youngest were most likely born in the USA.⁵

The overall age pattern of returnees is consistent with the typical age schedule of migration throughout the world: initial peak during infancy, a decline to a low point for mid-teenage groups, a sharp increase to a peak in young adulthood and then a decline with a short increase around retirement (Pavit 1997), except that in the case of Mexican return the peak in adulthood is shifted to older ages. Results from the 2000 Mexican Census show that around 70 percent of those return migrants born in the USA were younger than 15 years old at the time of the census, and the majority (60 percent), as in the past, were living in six states considered traditional migration sending states (Leite and Prieto 2006). Note that there is a higher share of men at almost every age range, and that this is particularly pronounced at the age range of 25–39 years old.

⁵In 2005, there were 5471 five-year-old returnees, 4695 six-year-old returnees, and 4209 seven-year-old returnees. Children 10 years and under make up only 9 percent of the returnees.

Table 12.1 Basic sociodemographic characteristics of Mexican migration to the USA, 1990–2005

Sociodemographic characteristics	Return migration from the USA ^a		Total migrants in the period ^b		Circulatory migration ^c		Non-returnees in the period ^d		
	1990–1995	1995–2000	2000–2005	1990–1995	1995–2000	1990–1995	1995–2000	1990–1995	1995–2000
Absolutes	290,944	267,150	244,426	1,712,724	1,469,801	387,907	260,650	1,324,817	1,209,151
Relative by row				100	100	22.6	17.7	77.4	82.3
Gender	100	100	100	100	100	100	100	100	100
Men	65.0	65.1	66.1	69.5	75.3	69.1	78.0	69.7	74.7
Women	35.0	34.9	33.9	30.5	24.7	30.9	22.0	30.3	25.3
Age groups	100	100	100	100	100	100	100	100	100
0–11 years ^e	8.5	7.1	12.2	7.2	3.6	12.1	5.0	5.7	3.3
12–19 years	6.2	8.3	9.1	27.6	27.4	17.1	17.0	30.7	29.7
20–24 years	16.3	13.2	10.1	24.5	26.7	19.0	21.1	26.1	27.9
25–29 years	22.8	21.0	15.4	14.3	16.0	13.8	18.5	14.5	15.5
30–34 years	17.4	17.5	15.6	8.9	9.5	12.7	13.1	7.8	8.7
35–39 years	11.5	11.5	11.9	5.6	6.4	8.4	9.2	4.8	5.8
40–44 years	5.2	6.8	8.0	4.2	3.9	4.6	5.6	4.0	3.6
45–49 years	3.8	4.1	5.4	2.6	2.5	3.4	3.5	2.3	2.3
50 years and older	8.3	10.5	12.4	5.1	3.9	8.9	6.9	4.0	3.3

Notes:

^aPopulation of 5 years and older that lived in 1990 (1995) in the USA and was living in Mexico in 1995 (2000) at the moment of the Count (Census)

^bPopulation that left Mexico to the USA during the period, i.e., the sum of circulatory migration and those that did not return

The 2005 Population Count does not provide information of circulatory migration or those who left in the period 2000–2005 and had not returned

^cPopulation that left Mexico to the USA during the period 1990–1995 (1995–2000) and was living in Mexico in 1995 (2000) at the moment of the Count (Census)

^dPopulation that moved to the USA in the period 1990–1995 (1995–2000) and was not living in Mexico in 1995 (2000) at the moment of the Count (Census)

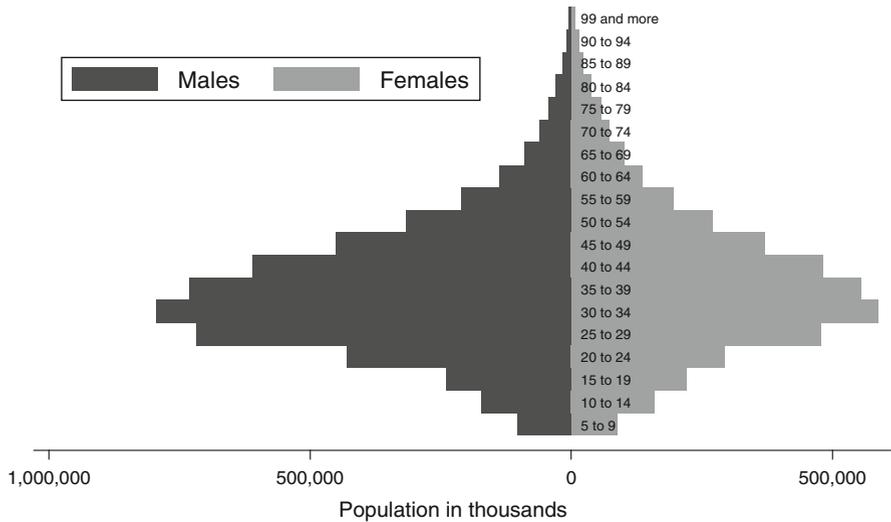
^eFor return migrants, this age group includes only individuals from 5–11 years

Sources:

Estimates for 1990–2000 were obtained from (CONAPO, 2002) and where generated using the 10 % sample of the 1995 Population Count and the 2000 Population Census

Estimates for 2005 were obtained by the authors using the complete set of records of the 2005 Population Count at the individual level

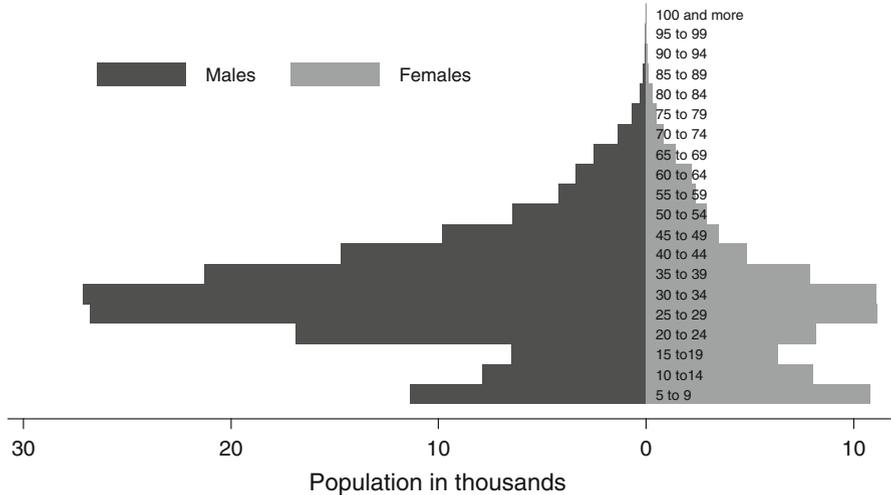
Male and Female Mexican Born that were in the US in 2000 (age in 2005)



Source: 2000 US Census, (5% IPUMS)

Fig. 12.1 Male and female Mexican born that were in the USA in 2000 (age in 2005). Source: 2000 US Census (5 percent IPUMS)

Male and Female Mexican Returnees by Age, 2005



Source: 2005 Mexican Population Count (INEGI)

Fig. 12.2 Male and female Mexican returnees by age, 2005. Source: 2005 Mexican Population Count (INEGI)

In terms of age, it seems that returnees are selected from the ages of 25–34, but this is the result of two interrelated processes that produce both positive and negative selection: emigration and return (Borjas and Bratsberg 1996; Cohen and Haberfeld 2001; Lam 1986, 1994). In terms of educational attainment (years of schooling and levels of education), we compared the educational levels of the returnees with that of those Mexican-born population in the USA (using the 5 percent IPUMS of the 2000 US Census) and those living in the Mexican states of return. Based on these comparisons, we do not suggest that return migrants are educationally selective compared with those that remain in the USA; the differences in years of schooling are not statistically significant either for men or women.

On average, male returnees 15 years old and older have 8.2 years of schooling, which is very similar to the Mexican national average for men (8.4 years of schooling). However, the average years of schooling for female returnees 15 years old and older (9.16 years) is substantially higher than the Mexican national average (7.9 years). Mexican data confirms that female migrants are more educated than male migrants on average (Lowell et al. 2008).

When educational attainment of returnees is compared to the rest of the population by Mexican state, we see that the biggest differences of the mean years of schooling are in Quintana Roo, Yucatán, Baja California Sur, and Distrito Federal—where returnees are better educated than nonmigrants. For Michoacán, Jalisco, and San Luis Potosí, all traditional sending states, the mean years of schooling are very similar or identical for returnees and for nonmigrants. In Zacatecas, also a traditional sending state, returnees have less education on average than nonmigrants while in Veracruz, a new sending state, returnees are slightly better educated than nonmigrants.

There are various possible explanations for these findings. In the traditional migration states, migrants' levels of education may be less consequential to leave Mexico or to return because their migration is facilitated by existing community networks of migration, while returnees may be better educated in the Distrito Federal because the types of jobs returnees perform there demand it. Also, in Quintana Roo or Yucatán, two states with high tourist activity, returnees may not have originated there (since neither state has high out-migration), but returnees may need relatively high levels of education to obtain jobs. The different possible mechanisms by which educational attainment and place of return are related deserve future research. This would contribute not only to the discussion of migration selection factors but also to our understanding of the development of human capital due to migration. Different opportunities available in different return destinations are likely to attract individuals with varying demographic characteristics, human capital, and educational attainment.

The 2005 Mexican Population Count does not include information on occupation or income. However, the social security system in Mexico is closely related to employment in the formal sector.⁶ Of the total number of returnees, 166,143 (69.7

⁶The Mexican Institute of Social Security (IMSS) most often provides social security for people employed in the formal sector. Other providers of public social security are the Institute of Social

percent) are not receiving private or public social security or any health insurance, 20.7 percent receive social security from at least one public source, and 9.5 receive social security from a private institution. This situation contrasts with national data: 51 percent of the entire population does not have any source of social security or access to health services. This trend remains when we consider only individuals aged 18 years and older, and individuals of working age between 18 and 65 years old. Also, if we restrict our analysis to individuals between 18 and 65 years old living in metropolitan areas, only 30 percent of returnees receive social security from a public institution compared to 51 percent of nonmigrants; 15 percent of returnees living in nonmetropolitan areas have access to public social security, compared to 29 percent of nonmigrants.

In 2005, returnees are less likely to be formally employed than those who had not migrated internationally in the last 5 years. This is consistent with what has been found in previous work studying the resettlement of migrants in the central and western region of Mexico (Papail 2007). The 2000 Survey of the Reinsertion of Migrants (EREM, from the Spanish name) shows that an important proportion of returnees that were salaried employees before living in the USA start a small business, rather than become employees, upon their return. This entrepreneurial shift usually raises their income. Second, return migrants directly create many jobs in the informal sector, which have no access to social security. Third, the reinsertion of migrants in their communities of origin is not definitive, especially among those who do not start a small business, and who are likely to leave the community again.

Most of the returnees are the heads of nuclear families. Their household structure is similar to the rest of the population, although they are slightly more likely to be in extended families. Households with return migrants are more likely to be headed by men (80.8 percent) than those without (76.9 percent); heads of households with return migrants tend to have a lower average age (43.3 years) than those without (45.8); head of households with return migrants are less likely to speak an indigenous language (4.4 percent vs. 7.6 percent); and they are less likely to have access to social security (28 percent) than head of households without return migrants (44.5 percent).

The quality of the buildings of returnees and nonmigrants is fairly similar in urban areas, but the quality of returnees' houses is slightly better in rural areas. In rural areas, we see that returnees are much less likely to live in dwellings with only an earth floor, and they are more likely to have access to tube water and a sewage system. Even if electricity is present almost everywhere, returnee households are better off compared to nonmigrant households. Similarly, returnees are more likely to possess household goods (such as a refrigerator, washing machine, computer, or television) than are nonmigrants.

Security for Workers of the State (ISSSTE), *Petróleos Mexicanos* (PEMEX), and the Mexican ministries of Defense or Navy, whereas private social security paid by individuals may be from *Seguro Popular* or another private institution. In some cases, children or other family members may receive social security as a beneficiary from the insurance of their parents or siblings. Additionally, individuals may receive social security from more than one source.

At least three different reasons might explain these results: (1) households with returning migrants have more goods because they brought back savings or previously sent remittances; (2) migrants to the USA were better off than other community members before they migrated (if the poorest households could not afford to migrate); and (3) returning migrants who choose to live in a location other than their original home return to a house with better facilities (e.g., a higher quality house in the locality, or a more prosperous locality).

Destinations of Return

In absolute numbers, return migration has decreased over time: from 290,944 people in 1995 to 267,150 people in 2000⁷ to 242,533 returnees in 2005. If we compare return migration in 2000 and 2005 with intracensal migration from 1995 to 2000 (see Table 12.2), intracensal migration is larger than intercensal return migration in some Mexican states, but the pattern is the opposite in other states, and there does not seem to be a drastic change during this period at the state level of aggregation. However, Michoacán and Baja California were very different in terms of intracensal and intercensal migration in 2000, even if they were similar in the level of intercensal migration in 2005, Michoacán having high levels of intracensal migration and Baja California having low levels. Note that Michoacán is a traditional sending state, while the border state of Baja California is not. Veracruz, on the other hand, shows a different pattern: high intracensal migration (1995–2000), high intercensal migration in 2005, and low intercensal migration in 2000. Before 2000, there was much less out-migration in Veracruz, so there was a smaller pool of possible returnees than in 2005. Therefore, the large number of migrants that have left Veracruz did so more recently than from other states.

During the period of 1995–2000, 1,469,801 individuals migrated to the USA; of these, 260,650 (17.7 percent) went back to Mexico before the Census in 2000 and 1,209,151 (82.3 percent) were still living in the USA in 2000. If we calculate the rate of return as those who were in Mexico in 2005 who had been in the USA in 2000, divided by those who went to the USA from 1995 to 2000 and did not return by 2000, we find the national rate of return is 0.2⁸; in other words, about 20 percent of the number of migrants who were in the USA in 1995 returned to Mexico in 2000. Only Quintana Roo, Campeche, Baja California Sur, and Baja California have rates of return at the state level greater than one (in other words, more returnees

⁷Publications from INEGI report a total number of 267,150 returnees for 2000 and give the totals by state and size of locality. However, the weighted data from the 10 percent sample of the 2000 Population Census provides an estimation of 260,650 returnees because it does not include all the localities.

⁸In the calculation of the rate of return, we exclude those migrants who left for the USA before 2000 from the denominator. Also, a lagged effect should be noted, since the returnees counted in the 2005 Count may come from older migration waves; in addition, the period division is somewhat arbitrary.

Table 12.2 State rate of return, circulatory and return migration by traditional sending migration, 2000 and 2005

State	1995–2000			2000	2005	Rate of return migration ^f
	Circulatory migration ^a	Non-returnees ^b	Total migration ^c	Return migration ^d	Return migration ^e	
<i>Nontraditional migration sending state</i>						
Baja California	2911	16,978	19,889	20,719	21,207	1.25
Baja California Sur	956	1155	2111	723	1275	1.10
Campeche	249	368	2016	1668	612	1.66
Coahuila	5424	14,663	20,087	4856	3788	0.26
Chiapas	1052	7751	8803	701	1646	0.21
Chihuahua	10,711	34,786	45,497	14,162	13,177	0.38
Distrito Federal	12,505	42,275	54,780	9295	8501	0.20
Guerrero	6751	61,600	68,351	10,238	5373	0.09
Hidalgo	9481	48,958	58,439	5575	5845	0.12
México	20,401	98,770	119,171	13,597	12,504	0.13
Morelos	5694	36,013	41,707	6127	3899	0.11
Nuevo León	8989	22,379	31,368	7712	6194	0.28
Oaxaca	5072	47,563	52,635	7031	9658	0.20
Puebla	7036	58,340	65,376	9748	6730	0.12
Querétaro	5081	17,425	22,506	2635	3637	0.21
Quintana Roo	249	368	2057	546	2073	5.63
Sinaloa	6212	26,502	32,714	5223	5250	0.20
Sonora	2292	10,350	12,642	6881	6540	0.63
Tabasco	760	2477	3237	1669	613	0.25
Tamaulipas	4856	25,193	30,049	7239	7526	0.30
Tlaxcala	1086	6599	7685	969	945	0.14
Veracruz	9313	63,656	72,969	4490	8877	0.14
Yucatán	961	4674	5635	1341	1445	0.31
<i>Traditional migration sending state</i>						
Aguascalientes	6862	17,156	24,018	4167	4908	0.29
Colima	2324	9210	11,534	4030	3392	0.37
Durango	7395	32,069	39,464	7186	6319	0.20
Guanajuato	25,186	128,421	153,607	20,736	14,968	0.12
Jalisco	34,345	125,267	159,612	36,090	29,756	0.24
Michoacán	31,075	125,826	156,901	29,520	21,325	0.17
Nayarit	5294	18,736	24,030	6764	6426	0.34
San Luis Potosí	7640	51,302	58,942	7627	8338	0.16
Zacatecas	12,249	49,720	61,969	10,724	9786	0.20
<i>National</i>	260,412	1,206,550	1,469,801	269,989	242,533	0.20

Notes:

^aPopulation that left Mexico to the USA during the period 1990–1995 (1995–2000) and was living in Mexico in 1995 (2000) at the moment of the Count (Census)

(continued)

Table 12.2 (continued)

^bPopulation that moved to the USA in the period 1990–1995 (1995–2000) and was not living in Mexico in 1995 (2000) at the moment of the Count (Census)

^cPopulation that left Mexico to the USA during the period, i.e., the sum of circulatory migration and those that did not return. The 2005 Population Count does not provide information of circulatory migration or those who left in the period

^dPopulation of 5 years and older that lived in 1995 in the USA and was living in Mexico in 2000 during the Census

^ePopulation of 5 years and older that lived in 2000 in the USA and was living in Mexico in 2005 during the Count

^fThe rate is calculated as the number of people that were in the USA in 2000 and were living in Mexico in 2005 (i.e., return migration) over the number of people that left Mexico between 1995 and 2000 and were out of Mexico in 2000 (i.e., non-return)

Source:

Ten percent sample of the 2000 Population Census and complete set of individual records of the 2005 Population Count

than people who left), and the states of Yucatán, Tabasco, Chiapas, Sonora, Tamaulipas, Querétaro, Colima, Aguascalientes, Jalisco, and Nayarit have a rate of return above the national average (see Table 12.2).

The states with a rate of return greater than one are not states considered traditional sending migrants states, and in 2000 they had very low, low, and moderate migration rates. This suggests that returnees are not necessarily returning to their states of origin. Among the second group of states, those with a rate of return above the national average, we find both traditional and nontraditional sending states, indicating that even traditional states can be attractive destinations of return when they are economically dynamic. The state with the highest rate of return is Quintana Roo, and in 2000 this state had a very low migration rate. Also, the states that have a rate of return greater than one are also states that are attractive for internal migration. The state with the highest percentage of its population of internal migrants is Quintana Roo (11.5 percent), followed by Baja California Sur (9 percent) and Baja California (7 percent).

If we examine the types of migration by region (traditional sending states, northern states, central region, and states from the south and southeast) through time, we see a decrease in returnees to traditional migration states, while the North, South, and Southeast regions show an increase in returnees. The region that attracted the most returnees was the central region of Mexico, followed by the northern region. There was an increase in Northeastern, North Central, and Gulf states, but a decrease in the other regions.

Note that more than half (137,315, or 56 percent) of the returnees did not come back to traditional sending states, while the rest (105,218) came back to traditional sending states. This suggests a changing pattern of migration due to the appearance of new areas of origin and the development of new areas of attraction for returnees, although there is no evidence showing a drastic change at this level of aggregation. The ratio of intercensal migration to non-returnees (intercensal migration over non-

return migration) also shows a different pattern for the traditional migration states and the other states. Migrants are not returning to traditional regions as much as would be expected given their high rates of migration in the past.⁹ There are more returnees in absolute numbers in traditional states, but they are less relative to their intercensal migrants. This trend persists in the 2010 Census, in which the declining relative importance of the traditional sending states compared with other regions continues, despite the jump in the absolute numbers of return migrants (intercensus and intracensus) between 2005 and 2010 (Masferrer and Roberts 2012).

Part of the literature puts special attention to the characterization of origin by the rural–urban distinction. For the case of return, 44.7 percent of the returnees are in rural localities with less than 15,000 habitants. The pattern of return migration by size of locality in 2005 is similar to that of 2000, but with a consistent decrease in absolute numbers, for all type of localities. If we look at the rate of return migration by size of the locality, we see that the only areas with rates above average (0.2) are medium sized localities: 0.34 for localities with a population size of 15,000–99,999 habitants and 0.6 for localities of 100,000–499,999 habitants. The rate of return for localities with a population under 2500 is 0.14 while the rate for localities with a population between 2500 and 14,999 as well as for localities over 500,000 habitants is 0.18.

New Destinations of Return

The discussion in the previous sections supports the idea that some migrants may not be returning to their places of origin, but many still do, particularly in the new sending states. There is also evidence that temporary migration continues. Temporary migration is still alive and well in traditional sending states as a survival strategy. On the other hand, in states that have recently become important senders of migrants, circular migration for subsistence may be less common as a result of a greater absolute decline of opportunities in the sending communities.

Two possible factors could explain why return migration to traditional migration sending states is declining. First, regions with a migratory tradition may have developed a greater facility for circular migration if many immigrants gained access to legal documents during previous visits due to US immigration reforms (such as the Immigration Reform and Control Act of 1986). It is also possible that those leaving traditional regions, even if they ultimately return to Mexico, do not come back to their home states.

The data do not indicate if involuntary returnees (such as deportees) go to the same destinations as those who voluntarily decide to return to Mexico. However, when we compare the locales that attracted the most returnees in 2000 and 2005, important changes in ranking are evident. Table 12.3 shows the 25 places with the most returnees

⁹This result is even stronger if we remember that out-migration from traditional states was very high in the past.

Table 12.3 The 25 localities with most returnees in 2000 and 2005

2000 ^a		2005 ^b										
Position	State	Municipality	Locality	Total population	Returnees ^c	Position in 2005	State	Municipality	Locality	Total population	Returnees	Position in 2000
1	Jalisco	Guadalajara	Guadalajara	1,646,183	6551	3	Baja California	Tijuana	Tijuana	1,286,187	10,843	25
2	Jalisco	Zapopan	Zapopan	910,690	3330	5	Chihuahua	Juárez	Juárez	1,301,452	5414	12
3	Guajuato	León	León	1,020,818	3102	14	Jalisco	Guadalajara	Guadalajara	1,600,894	4031	1
4	Michoacán de Ocampo	Morelia	Morelia	549,996	2548	7	Baja California	Mexicali	Mexicali	653,046	3526	81
5	Distrito Federal	Gustavo A. Madero	Gustavo A. Madero	1,235,542	2476	24	Jalisco	Zapopan	Zapopan	1,026,492	2996	2
6	México	Nezahualcóyotl	Cd. Nezahualcóyotl	1,225,083	2472	36	Chihuahua	Chihuahua	Chihuahua	748,518	2472	9
7	Aguascalientes	Aguascalientes	Aguascalientes	594,092	2451	8	Michoacán	Morelia	Morelia	608,049	2335	13
8	México	Ecatepec	Ecatepec	1,621,827	2427	23	Aguascalientes	Aguascalientes	Aguascalientes	663,671	2196	7
9	Chihuahua	Chihuahua	Chihuahua	657,876	2236	6	Durango	Durango	Durango	463,830	1907	10
10	Durango	Durango	Durango	427,135	2207	9	Distrito Federal	Iztapalapa	Iztapalapa	1,820,888	1828	11
11	Distrito Federal	Iztapalapa	Iztapalapa	1,773,343	2173	10	San Luis Potosí	San Luis Potosí	San Luis Potosí	685,934	1787	14
12	Chihuahua	Juárez	Juárez	1,187,275	1878	2	Tamaulipas	Matamoros	Matamoros	422,711	1713	216
13	Michoacán	Puruándiro	El Pueblito	662	1800 ^d	300	Baja California	Ensenada	Ensenada	260,075	1594	45
14	San Luis Potosí	San Luis Potosí	San Luis Potosí	629,208	1741	11	Guajuato	León	León	1,137,465	1570	3
15	Nuevo León	Monterrey	Monterrey	1,110,909	1682	16	Nayarit	Tepec	Tepec	295,204	1504	20
16	México	Naucalpan de Juárez	Naucalpan	835,053	1631	50	Nuevo León	Monterrey	Monterrey	1,133,070	1447	15
17	Puebla	Puebla	Puebla	1,271,673	1485	22	Tamaulipas	Nuevo Laredo	Nuevo Laredo	348,387	1416	129
18	Coahuila	Torreón	Torreón	502,964	1342	43	Sonora	San L. Río Colorado	San L. Río Colorado	138,796	1368	189
19	Nuevo León	Guadalupe	Cd. Guadalupe	669,842	1267	31	Tamaulipas	Reynosa	Reynosa	507,998	1358	65
20	Nayarit	Tepec	Tepec	265,817	1213	15	Sinaloa	Culiacán Rosales	Culiacán Rosales	605,304	1273	36

Table 12.3 (continued)

2000 ^a		2005 ^b											
Position	State	Municipality	Locality	Total population	Returnees ^c	Position in 2005	State	Municipality	Locality	Total population	Returnees	Position in 2000	
21	Querétaro	Querétaro	Querétaro	536,463	1192	28	Sonora	Hermosillo	Hermosillo	641,791	1271	133	
22	Jalisco	Tlaquepaque	Tlaquepaque	458,674	1192	26	Puebla	Puebla	Puebla	1,399,519	1175	17	
23	Jalisco	Tonalá	Tonalá	315,278	1144	38	México	Ecatepec	Ecatepec	1,687,549	1108	8	
24	Distrito Federal	Tlalpan	Tlalpan	534,905	1120	56	Distrito Federal	Gustavo A. Madero	Gustavo A. Madero	1,193,161	1100	5	
25	Baja California	Tijuana	Tijuana	1,148,681	1098	1	Quintana Roo	Benito Juárez	Canetón	526,701	1084	137	
	Total (19.8 % of total returnees in the country)				49,958		Total (24 % of total returnees in the country)					58,316	

Notes:

^aThe estimations of 2000 are generated using the 10 % sample of the 2000 Population Census; the weighted data is aggregated at the locality level since the database ITER 2000 does not contain the number of returnees in each locality

^bThe ITER 2005 contains the variable of number of returnees in the locality for 2005 and it was used for these estimations

^cUnlike the data for 2005 which is provided by the ITER 2005 database, this number is an estimator using the weighted 10 % sample of the 2000 Population Census

^dThis estimator is implausible since it is impossible to have more returnees than population in the locality. The cause of this may be related to the weight given to the observations in the 10 % sample of the census

Source:

ITER 2005 and 10 % sample of the 2000 Population Census

in 2000 and 2005. In 2005, these 25 localities constituted 24 percent of the returnees. These are all urban areas with the following characteristics: border cities, metropolitan areas, localities in traditional migration states, or new tourist areas. The top localities are Tijuana, Guadalajara's metropolitan area, Ciudad Juárez, and Mexicali. One quarter of the returnees are moving from the USA to Mexican border states.

In 2000, these 25 localities constituted almost 20 percent of the returnees. The top destinations were Guadalajara's metropolitan area, León, Morelia, and the Mexico City metropolitan area. Note the changes over the 5-year period, although 16 locales are in the top 25 in both 2000 and 2005. In 2000, there is a larger representation of traditional migration states and the Mexico City area. In 2005, Mexicali, Matamoros, Ensenada, Nuevo Laredo, San Luis Río Colorado, Reynosa, Culiacán, Hermosillo, and Cancún appear as new places of attraction for returnees. These findings suggest the growing importance of border locations and tourist destinations for return migrants, most likely due to an increase in involuntary deportations from the USA and/or an increase in employment opportunities resulting from tourism or the *maquiladora* industry.

Those returnees living in 2005 in the 25 localities listed in Table 12.3 are on average slightly younger, less likely to be men, and more likely to be better educated compared with those returnees that are not living in these localities. They are also less likely to be living in nuclear families, almost as likely to be in extended families, more likely to be single person households, more likely to be co-residing with nonfamily members, and more likely to be in mixed families. These contrasts also appear when we compare the returnees living in states with a rate of return above one (Quintana Roo, Campeche, Baja California, and Baja California Sur) with those below one, except in terms of age. Returnees with a rate of return above one are more likely to be men, and more likely to be better educated, but are slightly older, compared to those returnees in states with rates below one.

The link between internal and return migration seems to be explained by factors associated to the types of economies that attract both types of migrants, and that influence selectivity patterns in terms of level of education (Masferrer 2015; Quintana Romero and Pérez de la Torre 2014). Return migrants are positively selected in new destinations of return that are economically dynamic such as the northern border and tourist areas, while they are negatively selected in traditional areas of emigration (Masferrer 2015). Moreover, the demographic characteristics of those that decide to return to different places from where they left from point out to differences in their life stages and family responsibilities to those from traditional areas (Masferrer 2012).

Community Impacts in Mexico

This section discusses some of the possible community impacts of the changing nature of return migration. First, the return of migrants has an impact on the demographic composition of a community. In the community of return, new households

may have been created through time not only due to life stage but also because people may be living alone when they do not return to live with their original family. Also, we would expect an increase of extended family households and nonfamily households if more people do not live with their nuclear families. Characteristics of the places of return (for example, due to job opportunities) may produce gender differences, as some places may be more attractive for male returnees and others for females. The *maquiladora* industry in the north is an example of a sector that has been predominantly female. Return has an effect on the use of space, which may have implications for urban planning, housing infrastructure, demand for entertainment, and in a broader sense, on how space is used due to a change in the way of life of returnees.

The return of migrants may have positive and negative effects on household incomes. On the one hand, this return means that remittances received from the USA end (or decrease, if the household has other members in the USA who still remit). However, immigrants may also return with savings and start a business or perform other entrepreneurial activities.

Also, the return of migrants may have economic implications in the labor market. Returnees may be disadvantaged in finding a job because they spent time outside the country, but, at the same time, the skills they acquired may put them in an advantaged position compared to locals that did not have the migratory experience. This could create job competition between returnees and nonmigrants. People with migration experience also potentially provide new cultural values, ideas that have implications for social integration.

In addition, the return of migrants has implications for local development, not only in the communities of return but, perhaps more importantly, in the communities of origin. First, some locales may be emptying because out-migration is followed by the return of these individuals to different communities. This changes the demographics and economics of these origin regions, particularly in terms of remittances and investments, raises the question of whether local development is a general solution for absorbing the number of people returning to their original communities.

Return migration may create inequalities. For example, we have seen that this is the case regarding access to social security and health services (or implicitly access to employment in the formal sector). Therefore, there is a need for *mobile* insurance that could guarantee access to health services and insurance as well as create records and a medical insurance history. An additional policy reform would be a pension totalization policy that would enable migrants to contribute in both countries.

Immigrant assimilation, integration, and multiculturalism have always been issues studied in the place of destination (mainly the USA and Canada) but are rarely considered in the context of return to Mexico. This phenomenon has been studied as reincorporation, but it is necessary to differentiate resettlement in the community that they left from integration into a new destination in Mexico. In addition, returnees constitute a mobile population that has already been exposed to migration and may easily move again, either back to the USA or elsewhere in the country. This may be especially true for deportees living along the border, for example. Their mobility creates difficulties for social policy seeking to reincorporate them into Mexico.

The Mexican government must take seriously the problem of return migration. Social policy is needed to protect migrants through social security and job creation. Special programs could be created to enable the transfer of skills between migrants and nonmigrants, and this could have an effect on the human capital of the community. Also, this could make a difference as to whether returnees live in a context of competition or cooperation with locals and, thus, whether they face social cohesion or exclusion.

Conclusions

Just as there are new origins in migration and new destinations in the USA, there are new destinations of return. These are new origin areas of migration (including Veracruz), and emerging areas of attraction in Mexico (such as the tourist destinations of Quintana Roo and Baja California Sur, and the northern border cities with employment opportunities in the industrial sectors). These attractive destinations appear to be less dependent on prior patterns of out-migration than on emerging patterns of economic opportunity within Mexico.

We know that return migration has changed its nature over time. The previous temporary character of Mexican migration to the USA changed to a more permanent one long ago. However, the relation between the increasingly permanent character of Mexican migration to the USA, restrictions in the USA, and involuntary return needs special attention. This volume explores the many dimensions of immigration restrictions, and the object of this chapter is to describe the general trends of Mexican return migration during a time of changing restrictions. Research is needed, both theoretically and empirically, to analyze the effects of these restrictions in Mexico, not only economically but also in social, political, cultural, and demographic terms. One priority for research are the documentary hurdles awaiting return migrants with children, whether deportees or voluntary returnees. Several of the returnee families in the case studies in Jalisco had difficulty in registering their children in school and the social services because the children were born in the USA. These difficulties are reported in other research—for example (Zúñiga and Hamann 2014; Medina and Menjívar 2015), forcing parents to pay large “fines” to remedy the situation (Medina and Menjívar 2015).

The major policy implication of our research is that targeting policies geographically to help returned migrants and their families is of limited usefulness. As we have noted, many returnees will not return to their communities of origin and, increasingly, returnees come from large cities where it is more difficult to identify infrastructural projects or economic incentives to help returnees and their families to readjust. Involuntary returnees are in special need of help since they often are deported without their being able to inform family or friends and without the financial means to return home. However, all returnees need help with overcoming the bureaucratic requirements to give them and their children access to social and health services. Migrant remittances have long been a major boost for the Mexican

economy, helping reduce poverty and increase consumption. This should constitute a general and individual entitlement for returning migrants to receive a basic level of services on return, including assistance with finding work or starting a business.

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Chapter 13

A Debate Over Return Migration: The Case of Turkish Guest Workers in Germany

Ahmet İçduygu and Deniz Sert

Abstract This chapter aims to provide an overview of the return migration of Turkish guest workers and their family members. While doing so, it also elaborates on the theoretical and conceptual discussions of the notion of return migration, and it discusses the empirical question of how return migration has evolved over time in the case of the guest-worker scheme between Turkey and Germany. There are several reasons that make it worthwhile to elaborate the case of Turkish guest workers in Europe in general (and in Germany in particular) in the context of the whole notion of return migration. First, it is a migratory system that has evolved from temporary migration to permanent settlement over the last five decades. Second, while this transformation has taken place, some migrants have returned home, but others have stayed abroad. Third, as this covers a period since the early 1960s, different generations are involved, including first-generation labor migrants as well as their Europe-born children, and even grandchildren. Finally, as this migration from Turkey includes various types of movements such as labor migration, family reunion, asylum seeking, and clandestine flows, return migration to Turkey also consequently consists of various types of returnees.

Introduction

As far as the distinction between permanent and temporary migration is concerned, return migration has become one of the most contested concepts both empirically and analytically among scholars (Gmelch 1980; Cassarino 2004). On the one hand, even for temporary workers, migration can become permanent, and return does not always emerge as an inevitable outcome (Böhning 1987; Castles and Miller 2009). On the other hand, many migrants who originally intend to settle permanently in the traditional receiving countries return to their home countries. Furthermore, historically speaking, it appears that the conceptualization of return migration has changed over time. Return migration used to be mainly associated with the

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definitive movement of people to their home countries, whereas now return migration is often conceptualized as a series of moves as migrants move back and forth between their home and host countries. They are often subject to circularity and are transnationally engaged (Mazzucato 2007). In short, return migration is a context-bound concept.

On the whole, although the notion of return migration is frequently mentioned in the literature, it still remains an under-researched area of inquiry in terms of more elaborate theorizing and analysis (Gmelch 1980; Cassarino 2004; Vreyer et al. 2007). At the same time, it is a phenomenon that has been given much value recently in scholarly and public debates. The importance that has been recently attributed to return migration can especially be seen in the extensive debates about the nexus between migration and development (Mazzucato 2007).¹ It is within this context that return migration is a value-laden concept, as often being subject to the comments of political actors who either overestimate the impact of return migration on economic development in the migrant-sending countries, or undervalue migrants' permanent settlement patterns in receiving countries.

This chapter aims at providing an overview of the return migration of Turkish guest workers and their family members. While doing so, it also elaborates the theoretical and conceptual discussions over the notion of return migration, and discusses the empirical question of how return migration has evolved over time in the case of the guest-worker scheme between Turkey and Germany. There are several reasons that make it worthwhile to elaborate the case of Turkish guest workers in Europe in general (and in Germany in particular) in the context of the whole notion of return migration. First, it is a migratory system that has evolved from temporary migration to permanent settlement over the last five decades. Second, while this transformation has taken place, some migrants have returned home, but others have stayed abroad. Third, as this covers a period since the early 1960s, different generations are involved, including the first-generation labor migrants as well as their Europe-born children, and even grandchildren. Finally, as the migration from Turkey includes various types of movements such as labor migration, family reunion, asylum seeking, and clandestine flows, return migration to Turkey also consequently consists of various types of returnees.

Subsequent to this introduction, this essay is composed of four sections. While the first section provides an overview of the theoretical debates over return migration, the second section elaborates the emigration flows from Turkey, particularly focusing on the migratory regime between Turkey and Europe and referring to the findings of previous studies on the return migration of guest workers. In the third and analytical section, the return migration of guest workers and their family members are reexamined as experienced by the migrants in the German–Turkish migratory context. The section is based on the findings of a recent large-scale European Commission FP7 project entitled “Transnationalisation, Migration and

¹The various projects funded by international organizations like the World Bank and the Organization for Economic Cooperation and Development in the 2000s provide an obvious example of this increasing interest in the studies of return migration and development linkage.

Transformation: Multi-Level Analysis of Migrant Transnationalism (TRANS-NET).² The final section highlights some of the main arguments in this chapter.

Return Migration: A Review of the Literature

As far as the literature on return migration is concerned, an immediate problematic issue is the definition of return migration or return migrants (Gmelch 1980; Cassarino 2004; Mazzucato 2007). Although it is straightforward to define return migration conceptually, it is not often an easy task to measure it empirically. When researching return migration, it is necessary to define a time period and a space to be able to assign a migrant the status of a returnee. In the relatively early studies of return migration, this issue was usually seen as something associated with the typology of return migration or return migrants (Gmelch 1980). In more recent studies, it is mostly connected to the fact that return migration can either be permanent or temporary (Djajic 2008), which directly links it with issues of circularity (Mazzucato 2007). Thus, the variations within the concept of temporary migration and the complexity of the issue make its measurement difficult for researchers.

In the wider context of the international migration literature, return migration has been approached and evaluated from different theoretical and analytical perspectives. This diversity is also parallel to the different theoretical approaches that intend to explain migratory movements (Massey et al. 1993). The topic has been studied from the perspective of the migrants themselves, and from the positions of migrant-sending or migrant-receiving countries. In recent years, return migration has also been studied within the context of migratory systems, migratory regimes, or transnational spaces. Within the general milieu of these various approaches, it is possible to distinguish between two main levels of analyses of return migration: the micro and the macro levels. While the *micro level* is widely related to the individual migrants and to a certain extent to their families; the *macro level* is mostly associated with the structural social, economic, and political factors and processes (Massey et al. 1993; Cassarino 2004; Vreyer et al. 2007). On the one hand, the former position involves the neoclassical approach, which views migration and return migration through a rational decision-making process by individuals who are maximizing their utility under constraints. On the other hand, the latter position reflects the

²TRANS-NET was funded by the European Commission under the Seventh Framework Programme (FP7) of the European Union from March 2008 to February 2011. The aim of TRANS-NET was to clarify and compare the complex and multilevel processes of transnationalisation. The project focused on how migrants' activities across national borders emerged, functioned, and changed. Partners from eight countries participated in the project, which were organized in country pairs of Estonia–Finland, India–UK, Morocco–France, and Turkey–Germany. This section focuses on the research findings in the Turkish–German case using the results from the empirical study of qualitative interviews conducted by Jürgen Gerdes, Eveline Reisenauer, and Deniz Sert with the Turkish–German migrants and their network members in both countries.

heterodox approach, which stresses how the role of the structural environment around the migrants affects their decision to return home or not.

In relation to the former approach, there is an established neoclassical literature on return migration, which provides several individual-based explanations often as part of life-cycle strategy (Galor and Stark 1991; Dustmann 1997, 2001; Dustmann and Weiss 2007). One such view considers return migration as part of optimal decision-making strategy for individuals and their families. This approach assumes that individual migrants temporarily move abroad for several rational reasons: wages are higher, they can acquire skills, and they can accumulate savings. The most important factor influencing return is related to the fact that the marginal utility of consumption is higher in the home country than in the host country, as migrants appreciate relatively more consumption in the former than in the latter—after they earn and save more in the host country, they are able to return to their home country where they can be thrifty with their resources. A further reason for return is related to the relatively high return to overseas human capital investments in the host country: simply, people migrate temporarily to acquire skills that are highly rewarded in their home country.

While the basic premises of neoclassical approach views return, and migration itself, as a result of individual decisions, the heterodox approaches consider this view to have several shortcomings (Vreyer et al. 2007; Cassarino 2004). Migrants' behavior in the context of the neoclassical approach is considered to be formulated only by financial and economic incentives, in isolation from other structural factors. By contrast, the heterodox approach stresses that the migrants and their decision-making processes should rather be considered as actors in an interaction with their surrounding environments, their families, networks, other actors, structures, and processes in the home as well as in the host country. Various approaches have been used within the wider context of heterodox explanations. For instance, based on the views of the new economics of labor migration, return migration is considered the logical outcome of a planned strategy, defined at the level of the migrant's household of origin and resulting from the successful achievements of the primary purpose of migration (Constant and Massey 2003). Under the heterodox approach, another alternative explanation of return migration refers to the structural factors of return, seeing it not only as a personal issue, but above all a social and contextual one affected by situational and contextual factors both in the host and home countries (Gmelch 1980; Cassarino 2004). Recent years have also seen an increase in transnational and social network approaches to return migration, which emphasize the importance of a better understanding of the strong social and economic ties between migrants' host and origin countries (Boyd 1989; Woodruff and Zenteno 2007). These latter perspectives argue that return migration is part and parcel of a circular system of social and economic relationships and networks established in transnational spaces (Cassarino 2004; Ley and Kobayashi 2007).

Acknowledging the shortcomings of the partial explanations of the competing theoretical approaches summarized above, scholars increasingly recognize that any study of return migration should consider the complexity of the phenomenon within a great deal of methodological diversity in research (Cassarino 2004; Vreyer et al. 2007).

There is an obvious need for constructing multifaceted, critical analytical models that reflect a comprehensive understanding of return migration. These types of theorizing and analysis would not be only able to explain the questions of why migrants choose to stay or leave, but would also be able to examine the interaction among various key factors that affect the decision to return or not.

Background Information: Return Migration to Turkey

In the last five decades Turkey has experienced an exceptionally intense out-migration of its citizens where almost 7 % of the current population has left the country (Abadan-Unat 1976, 2002; İçduygu and Kirişçi 2009). The growth and dynamics of this movement is impressive. Thus, according to some estimates, since the early 1960s about six million people have left the country, of whom more than two million left after 1980.³ More than four-fifths of the emigrants left for Europe, and more than two-thirds for Germany in particular. The number of returnees amounted to more than half of the total emigrants since the early 1960s. There were, by the late 2000s, nearly four and a half million Turkish migrants and their family members in Europe, around 100,000 Turkish workers in the countries of the Middle East and North Africa (MENA), and some 50,000 workers in the Commonwealth of Independent States (CIS). In addition to these expatriates, about 300,000 Turkish citizens were reported to be present in other countries around the globe, with approximately two-thirds residing in the traditional immigrant-countries such as Australia, Canada, and the USA. Bringing the total number of expatriate Turks to nearly six million, the whole emigration picture implies that today over 7 % of the nation's total population is abroad (İçduygu and Kirişçi 2009).

The factors and nature of emigration from Turkey have evolved over time where four distinct periods can be identified in modern Turkish history (Ayhan et al. 2000; İçduygu and Kirişçi 2009). These shifting periods came into existence as a result of the changes in the international migratory regimes to which Turkey has been attached. The first period from 1961 to 1974 was characterized by massive labor migration to Western Europe. The second period, from 1974 to 1980, started with the oil crisis that caused the decline of Turkish labor migration to Western Europe and precipitated the beginning of emigration to the MENA countries. In addition to the ongoing migratory flows to Europe, the third period of emigration in the 1980s was dominated by labor flows toward the MENA countries, which remained relatively low. Again in addition to the ongoing migratory flows to Europe, the final period since the early 1990s, has been characterized by a turn of labor flows from the MENA region to the countries which have been reconstructed after the collapse of communist regimes in Eastern Europe and the USSR.

³Data on Turkey's international migration are derived from a wide variety of sources. The figures in the text are the authors' estimates, which are based on İçduygu's long-established and ongoing work on the history of Turkish international migration.

The consequences of historical and contemporary patterns of emigration from Turkey can be addressed on a variety of levels. At the most comprehensive level, for example, a migration cycle in which emigration processes and their impacts on the source community (and/or communities) evolve over time. This is particularly related to emigration to Europe. This level of analysis, well elaborated in several OECD studies (Xenogiani 2006; Katseli et al. 2006), draws attention to the changing nature of the impact of emigration on the likelihood of further emigration and return flows. In attempting to understand these changes and their effects, a historical account of the dynamics and mechanisms of emigration from Turkey is obviously crucial.

Within the context of the European migratory regimes of the 1960s, a structurally organized emigration from Turkey was not possible without the negotiation of an official agreement between governments. The post-war reconstruction of Europe was still in process, and the economies of many Western European countries were in need of labor. After the introduction of the 1961 Constitution, the First Five Year Development Plan (1962–1967) in Turkey delineated the “export of surplus labor power” as an ingredient of development policy with reference to the prospective flows of remittances and reduction in unemployment. To promote this policy, Turkey first signed a bilateral labor recruitment agreement with the Federal Republic of Germany in 1961. Similar bilateral agreements, specifying the general conditions of recruitment, employment, and wages, were signed with other governments: in 1964 with Austria, the Netherlands, and Belgium; in 1965 with France; and in 1967 with Sweden and Australia. Less comprehensive agreements were signed with the UK in 1961, with Switzerland in 1971, with Denmark in 1973, and with Norway in 1981 (Franz 1994). These agreements shaped the initial stages of migratory flows to a wide extent, even if they did not have any considerable impact on the later stages of migration. In other words, starting with the early 1970s, migratory flows from Turkey developed their own dynamics and mechanisms, which were quite independent from the previously structured measures of the bilateral migration agreements.

The Turkish migration cycle in the European context, thereby, started in the beginning of 1960s with these agreements. The exit stage of this cycle involved the departure of migrants in significant numbers. The emergence of mass emigration from Turkey in the early 1960s was prompted in large measure by economic factors. The movement of migrant workers over the period of 1961–1975 fluctuated as a consequence of the changes in the European market. The number of workers going to Europe increased immediately after 1961, and peaked at 66,000 departures in 1964. The recession of 1966–1967 caused a rapid decline in these numbers. In 1967, only 9000 workers were sent abroad by the Turkish Employment Service (TES), while over 900,000 were on the waiting list to go (İçduygu 1991). In the first half of the 1960s, the volume of return movement was small. Even when migrants returned home, they remigrated after spending a short period of time in Turkey.

In the aftermath of the recession, the number of emigrants increased sharply. This was a period of mass emigration: more than 100,000 workers left Turkey annually. This period marks the second stage of the migration cycle, the adjustment stage, in which emigration continues and both the economy and the people start to adjust to the effects of emigration. It is in this stage that the information and

transaction costs are reduced as a result of improved information flow, which is created by continued migration. This encourages family members to accompany initial migrants. This stage is marked with continuing labor migration combined with family reunion as well as an increase in the amount and significance of remittances to the source country economy. Throughout this period, which began in late 1960s and continued well into the 1980s, migration continued, and emigration increasingly turned into a family strategy in Turkey. During this period return migration followed the same pattern: its scale was small and even when migrants returned home, they often remigrated after spending a short period of time in Turkey.

With the oil crisis and economic stagnation in 1974, Western European governments stopped the intake of workers. This resulted in a dramatic decline in the number of labor emigrants, making a total of only 17,000 departures. The year 1975 marked the end of large-scale Turkish labor migration to Western Europe and the beginning of a new stage in the Turkish migration cycle: the consolidation stage. This stage involves a sharp decrease in labor emigration, and continuing family reunification and family migration. It is important to note, however, that in the Turkish case it is mostly the political initiative of the European governments that led to this decrease, not the stabilization of labor market disparities. According to the official records in Turkey, a total of nearly 800,000 workers went to Europe through the TES between 1961 and 1974 (İçduygu 1991; Akgündüz 2008). Of these workers, 649,000 (81 %) went to Germany, 56,000 (7 %) went to France, 37,000 (5 %) went to Austria, 25,000 (3 %) went to the Netherlands, and the remaining went to other countries.

As discussed below, it was only after the early 1970s that many Turkish migrants in the countries like Germany tended to return to Turkey permanently. From 1975 onwards to 1980, a transitional period of emigration occurred in which the direction of Turkish emigration shifted to other labor markets such as Australia and the oil-exporting countries of the MENA. Considering the migratory flows to Western Europe, one should note that, although the labor movement from Turkey ceased in the early 1970s, migration did not end, but subsequently took other forms as mentioned above such as family reunion, refugee movement, and clandestine labor migration (Böcker 1995; İçduygu 1996).

Our historical knowledge of the return migration of Turkish citizens is for the most part very limited (Ayhan et al. 2000). The reason for this is the lack of data. Since emigration from Turkey had started mainly under the so-called guest-worker scheme, return migration was considered a natural part of the whole process. Indeed, many early migrants had stayed abroad to be “guests” who just worked for a limited term of contract (usually for 2–4 years), and then returned home. The others remained. Return migration increased after the oil price shock of 1973, when many West European countries stopped recruiting migrant workers and started to encourage return migration.

According to Gitmez (1983), some 190,000 people returned between 1974 and 1977, and another 200,000 returned between 1978 and 1983. Gitmez (1983) also provided some estimates of annual return figures: between 1967 and 1974, there were some 30,000 returns; during 1975 and 1976 this number ranged between 55,000 and 60,000; and after that date until 1980 the estimated annual number of

returnees was about 15,000 to 20,000 persons. The return movement had gained a new momentum in the early 1980s, exceeding 70,000 persons annually. Another study (Martin 1991) indicates that about one million Turkish emigrants returned home from 1961 to 1990.

In the 1980s and 1990s, although the patterns of migration and settlement of Turkish immigrants in Western European countries changed from a temporary sojourn to unintended settlement, return migration often was a dynamic element of the whole migration picture. It seems that in the early 1980s the “Return Acts and Bonuses” of the host governments caused some return migration to Turkey (Ayhan et al. 2000). For instance, there were some 210,000 returnees from Germany in 1983–1984, and some 10,000 returnees from the Netherlands in 1985–1986. However, in the late 1980s, return migration from Germany declined sharply to 37,000 and from the Netherlands to 3000 persons annually. Figures from Germany and the Netherlands suggest that there has been a steady level of returning migrants over the recent years. For instance, in the first half of the 1990s, there were 40,000 to 45,000 annual returnees from Germany, and about 2000 annual returnees from the Netherlands. Considering the numbers of returnees from these two countries and the rejected cases of asylum seekers (no more than 10 % of the 450,000 asylum seekers from Turkey were granted asylum), one can estimate that over 1.5 million migrants or asylum seekers from Turkey returned home between 1980 and 1999. The estimated annual number of returnees was around 100,000 in the early 1980s; it stabilized at about 50,000 in 1990s and has continued at about this rate throughout the 2000s (İçduygu and Kirişçi 2009; İçduygu 2010).

Return Migration and Turkey: Evidence from a Recent Study

The TRANS-NET project serves as a recent study to evaluate the trends of return migration in the German–Turkish context. Turkish–German transnational space was one of the research areas of the project—a fertile area for the study of border-crossing relationships. As also mentioned in the TRANS-NET country report on Germany (Gerdes and Reisenauer 2010), the topic of return to Turkey was broached quite often during the interviews with the Turkish migrants. Since the guest-worker scheme was initially designed to allow temporary migration to Germany, returning was always a central motive for Turkish migrants coming to Germany.

The theme of return migration was also relevant on the Turkish side of the research (Sert and İçduygu 2010). In line with the proposal of the TRANS-NET study, the migration research conducted in Turkey focused on numerous issues, including politics, culture, economics, education, and everyday life. The data were collected through semi-structured and life-course interviews. The respondents were selected through snowball sampling. Due to the changing nature of migration in Turkey (from being a country of emigration to becoming a country of transit and immigration), the focus was on three distinct groups of respondents: (1) Return migrants: those who worked, studied, and/or lived in Germany for more than a year,

but are currently residing in Turkey. This category also included those who were born in Germany, but are currently living in Turkey, i.e., the so-called second-generation migrants. (2) Relatives and friends: individuals living in Turkey with friends and/or relatives who are migrants still residing in Germany. The assumption here was to collect information on the migrants and observe whether and how they were maintaining their ties with the home country. (3) Ethnic Germans: Germans living, working, and/or studying in Turkey. The total number of respondents for the semi-structured interviews in Turkey was 83, and for the life course interviews 20. In this chapter, the focus is only on the data obtained from the semi-structured interviews conducted with the return migrants in Turkey as well as the TRANS-NET country report on Germany (Gerdes and Reisenauer 2010). Based on these data, we can distinguish four periods of return migration to Turkey: 1970s, 1980s, 1990s, and 2000s, all with distinct characteristics.

Returns of 1970s

In Germany, most interviewees explained that the “guest-worker” generation was assumed to be temporary guests who would stay for a short time and then return to Turkey. However, only a limited number of migrant workers actually returned. Rather, “guest workers” used their right of family reunification and sometimes brought their entire family to Germany. Returning home then was often repeatedly delayed.

In this context, the returns of 1970s were typical results of the guest-worker scheme envisioned by the German–Turkish Bilateral Agreement of 1961. The idea was for migrants to go to Germany for a few years, work, earn some money, and go home. From Turkey’s point of view, these people would gain some social capital and help Turkey’s development upon their return. Some learned a bit of German in the meantime. The typical profile of the Turkish migrant from this wave was a male with a primary school education.

One such example was Hamza, who had migrated to Germany in 1969, at age 27, stayed there for 4 years, and returned in 1973. There were several, interlinked reasons for his migration decision: it was a time when everybody wanted to go to Germany; there was not enough to earn in his hometown; and Hamza’s father was already in Germany. Thus, although he was married at the time, he decided to go to Germany alone. His aim was to earn money and buy a bus, but it did not materialize. He decided to return after 4 years, not to leave his wife and children alone any longer. Hamza’s father and siblings stayed in Germany; he talks with them over the phone every once in a while and visits every 2 years. Hamza is happy about his short-term migration to Germany: he gained some capital as policy makers had designed: he received his retirement funds from Germany as a total sum after his return; he learned a lot about construction sector and a bit of German; and he gained a higher status in his village upon his return as people were pointing him out as a person who saw Germany.

Thus, the returns in 1970s can be typically characterized as returns based on shorter periods of stay in the host country. Migrants do not envision family-reunification in the host country; requesting or expecting family to join them in Germany was not a consideration. The material benefits of the stay are lower than expected, but the migrant still gains some social and material capital from the host country, and upon return is conferred a higher social status than the pre-migration level.

Returns of 1980s

In the 1980s, similar to the returns of the previous era, the typical aim was to earn enough to get back, but the definition of “enough” had changed. Looking at the data provided by the TRANS-NET report, the duration of stay in Germany of those who had returned in the 1980s varied from 2 to 24 years. The longer they stayed, the more they usually earned. Thus, those who had returned in the 1980s had more financial capital than the ones who returned in the 1970s. Many had earned enough to buy land and/or construct a family apartment building.

However, these were also the times when the nature of migration to Germany had almost completely transformed from the guest-worker scheme to family reunification. Thus, many migrants who had returned in this period were those who had used their right of family reunification and sometimes brought their entire family to Germany in the 1970s. The most important differentiating feature of the returns of 1980s was that those who were returning were not only single men, but also entire families. For these families, their children’s education was usually cited as an important reason to return to Germany. Not wanting to raise kids in the German environment was a recurrent theme that explained the return decision.

Güngör (male, age 74 at the time of the interview) and his family were a typical case. Güngör migrated to Germany in 1970, alone, at age 35 as a contract worker, first in a wool factory, then as a metal worker. The main reason he decided to go to Germany was his experience of poverty, and his financial expectations were met. The family now owns an apartment building, which was constructed from the wages he earned during the 16 years he spent in Germany. Güngör’s family, his wife and the eldest child, joined him 2 years later in 1972. The couple had two more children in Germany. His main reasons for returning to Turkey were that: (1) he did not want to raise their children in Germany and preferred them to serve Turkey; (2) they had invested all their savings in Turkey, therefore, return was always envisioned; and (3) he was becoming frustrated with the German people’s maltreatment of the Turks. While the family did not acquire German citizenship, Güngör had obtained a long-term residence permit from Germany upon his return.

Thus, the returns in the 1980s were different than the previous era in four ways: first, in this period, as the duration of stay increased, the savings also increased, thus, there was a change in the concept of “earning enough.” Second, as a result of the family reunification patterns in the 1970s, many returns of the period were families for whom how to educate the children became an imperative issue. Third, as the

number of Turks increased in Germany, maltreatment of migrant populations also became an issue. Finally, as it is observed in Güngör's case, the 1980s also mark those years when returning migrants optimized the new institutional arrangements, such as long-term residence permits.

Returns of 1990s

The returns of 1990s are different than the returns of the previous eras because the profile of the returning migrants was significantly transformed. First, migrants' years of stay in Germany were longer, varying from 5 to 35 years. Second, these migrants were more educated with higher skills. During this period migrants also began to utilize the system to make more rational choices based on their interests and benefits. Thus, in the 1990s we observe more post-retirement movement for many dual citizens.

Emine (female, age 67) is a representative case from the period. Emine decided to move to Germany after her father had passed away in 1964. She was 22 and wanted to learn German while working. She approached the "Turkish Employment Agency" and went as a guest worker. She got married in Germany to another guest worker; their two children were born in Germany. While living conditions were not very good for the Turks in Germany, the family's standard of living was slightly better than their peers in Germany. The couple decided to come back to Turkey after they retired from their jobs in Germany. Their children, now married with their own children, stayed in Germany. The family has dual citizenship. While Emine likes to live in Turkey, her husband prefers Germany. Therefore, they move back and forth very often, spending 6 months in Germany, 6 months in Turkey.

The main characteristics of the returning migrants of 1990s are: first, the returnees are usually considered successfully integrated in the German society; they have stayed in Germany for longer periods of time, learned the language better, acquired dual citizenship, retired from the German social security system, and their children have almost no intention of returning to Turkey with their own independent families, who are completely adapted to German society. Second, the patterns of return have begun to change, becoming more circular: migrants who spend part of the year in each country are becoming increasingly common.

Returns of 2000s

The returns of the 2000s can be characterized even more often as post-retirement movements with more dual citizens traveling back and forth in a very circular fashion. With children and grandchildren settled in Germany, family ties become the main reason for such circular patterns. However, another reason for frequent visits to Germany is related to benefits. Many migrants organize social security trips to Germany so as not to lose their status.

While the returns in the 2000s are a continuation of the patterns of the 1990s, a new return pattern has emerged involving the so-called second generation migrants, which can be called “root search” returns. The profile of these second generation migrants are rather different: many are German citizens born and raised in Germany with pink cards that grant them residence and work permits in Turkey. They are more educated. They are coming back for a certain period of time either as exchange students or professionals, literally looking for their roots and to understand life in Turkey.

Damla (female, age 24) whose family went to Germany in 1970s for work and who was born in Germany, is a typical example of such latter cases. Damla knows Turkey only from the family visits that they would have twice a year for holidays during her childhood. She is a law student back in Germany, and came to Turkey as an exchange student to compare the legal systems of the two countries, but also had a personal desire to learn more about her motherland. Although she has some relatives in Turkey, her parents are still in Germany, which is really where she considers her “home.”

Overall, from the 1970s to the 2000s we observe a change in the patterns of return migration from permanent to more temporary and circular nature. The profile of the returnees also change tremendously from lower to more highly educated with higher earning power. The returnees of the latter periods also show better adaptation skills than the former. While the returns from the 1970s to the 1980s change from single returns to family returns, in the latter periods, we observe more divided families, and very recently, second generation individual returns who are searching for their “roots.” As the nature of migration changes from a guest-worker scheme to family reunification, or from permanent migration to settlement, the nature of return migration also changes. We begin to observe more transnational patterns, where migrants spend only a certain period of time in Turkey or in Germany. Thus, as the context and nature of migration changes for the migrants, the meaning of “return” also transforms.

Conclusions

A comprehensive approach to better understand the phenomena of return migration is needed for this complex function of the interactions among the individual migrants and their families, the sending society, the receiving society, and the wider framework of the migratory system. We argue that this comprehensive examination should be conducted on two levels: the *micro level*, which deals closely with individual migrants and their families; and the *macro level*, which aims to elaborate the wider context of social, economic, and political structures and processes. These two levels of analysis should also be linked to each other.

Although the theoretical literature draws a clear distinction between the schemes of temporary migration and those of permanent migration, as we have seen in the case of Turkish guest workers in Germany, what is initially intended to be temporary

can turn out to be permanent. It is within this context that the question of “why they do not return” becomes equally significant as the question of “why they do return.” Inherently challenging the emphases of the individual-based neoclassical views on return migration, this brief account of return migration to Turkey, by focusing mostly on the historical and structural characteristics of the guest-worker movement to Germany, offers a heterodox view to explain the wider and comprehensive mechanisms and dynamics of return migration.

It appears that once temporary labor migration goes hand in hand with family reunification, and the children of migrants start to become socialized and educated in the receiving societies, settlement in those societies becomes inevitable for the temporary migrants and their family members. Despite this background, however, a considerable volume of migrants return as expected. After discussing various theoretical and analytical efforts concerning the notion of return migration, this chapter, first elaborates the wider structural context of the migratory system between Turkey and Germany, and second, tries to relate this wider context to the return migration of the guest workers. It appears that migrants’ decisions to return are affected by their experiences abroad and their perceptions of home country conditions, where the main factors behind return decisions are economic and sociocultural in nature. The problems returnees encounter are also similar and are both economic and sociocultural. It also appears that return migration today is part of an open-ended process of back-and-forth movements between countries. Evidence shows that return migrants try to make best use of their resources when they return, even if this entails their continuing movement between the two countries. Within this context, social networks and transnational ties are maintained through regular contacts and visits. This suggests that policies regarding return migration should be designed to facilitate migrant mobility rather than simply to send the migrants to their home countries permanently.

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Chapter 14

Peruvian Highland Indigenous Shepherders in the USA: A Case Study

Teofilo Altamirano

Abstract The chapter links indigenous international migration from the Peruvian Andes, the process of social and cultural adaptation of shepherds working in the American west, and the financial and familial effects of migration in Peru. This migration is not new, as the first migrants arrived in 1971. While their adaptation was relatively easy in the first three decades, conflicts later emerged between the owners of ranges and workers. One reason was the slow economic growth of the range industry, partly due to reduced demand for wool, which was increasingly replaced by silk and chemical cloth from China, Central America, and South America. The supply of labor also became greater than the demand in several ranges. Labor disputes about salary and the living conditions of shepherds also became common, and migrant shepherds typically endure isolation and social exclusion. In addition, family disintegration became a problem, as women in Peru were not allowed to become migrant workers and join their spouses. Nevertheless, remittances are an important benefit of migration, as they increase family income.

Introduction

During the last 20 years, Peruvian international migration has become one of the most salient social-demographic, cultural, and economic issues in Peru. An estimated 3.5 million Peruvians, over 10 % of the population of 30.1 million in the country, have emigrated, according to a report of the Organización Internacional Para la Migraciones (2012). The countries where more than 5 % of the Peruvian migrants have settled are the USA (31.5 %), Spain (16 %), Argentina (14.3 %), Italy (10.1 %), and Chile (8.8 %) (Organización Internacional Para la Migraciones 2012). Almost all social and ethnic groups are represented in the emigration flows (see Fig. 14.1). Surprisingly, about 2000 herders of indigenous origin are

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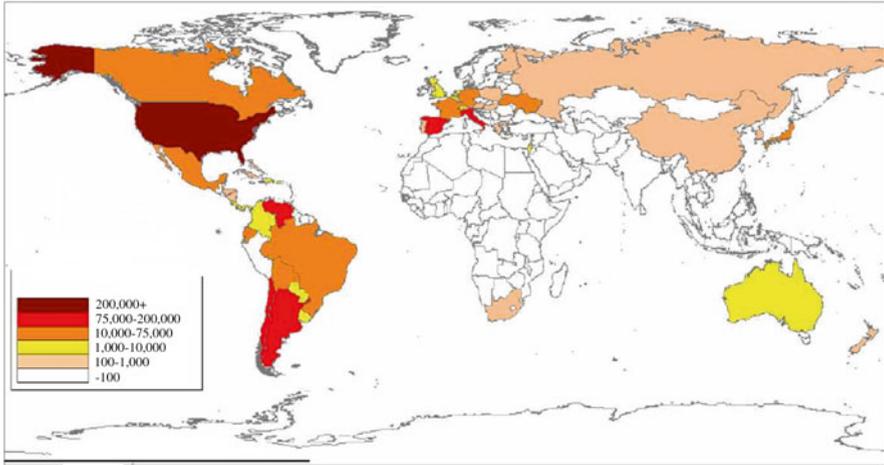


Fig. 14.1 Geographical distribution of Peruvians in the world

now working in the Western region of the USA. There are more and more female and male emigrants of rural origin who are working in middle-class Western European homes as well as in the USA, and Latin America. This is a new phenomenon that began 20-years ago fostered partly by the Peruvian political and economic crisis during the 80s.

This chapter is based on a case study of Peruvian shepherders I conducted in 1991 in the western USA and in Peru. The Peruvians who migrate to the USA with temporary visas to work as shepherders experience restricted conditions because of their solitary occupation and employer practices that create meager working conditions. In this chapter, I show the links between emigration and ethnicity, and the impact of return migration and remittances on the local social and cultural development. I also describe the social and cultural costs of migration in the ongoing indigenous struggle to adapt to a new ecological and economic environment in the USA. These new situations bring social changes, but do not affect the lives of the herders who migrate to the USA in terms of their previous occupation.

To analyze the abovementioned issues, I provide firsthand information about the general background, the labor recruitment process, and the new working and living conditions of the migrant herders in the US ranches, as well as the money remittances to home villages and the social, cultural, and economic impact of the remittances. This chapter also addresses the nature of return migration and family struggles to survive in a modern economy increasingly dominated by local, regional, and transnational labor markets.

General Background

According to data gathered from Peruvian migrant herders in Evanston, Wyoming, in April 1991 and later in Peru, in their places of origin, the first Peruvian shepherders arrived in the USA from Peru in 1971.¹ This was during a time when the number of sheep-raising ranches increased in the highlands of North America. The ranch owners were of Scottish and Irish origins and other North Americans who involved in wool production, which had high demand in the textile industry.

Earlier in the twentieth century, workers of Basque origin called *ovejeros* came to the USA to work as shepherders from the Pyrenees region of Spain, a country with great experience in pasturing. The US government gave these Basque migrant workers temporary work visas. Franco's authoritarian government and a stagnant Spanish economy forced many workers to emigrate and seek work abroad. For these migrant workers, going to North America was synonymous with personal and family economic improvement, because the work conditions and salaries were much better than in Spain. Years later, when Franco died and a constitutional monarchy was established in Spain, the conditions of workers started to improve. This new situation raised the hope for better salaries in pastoral work and in the overall Spanish economy.

The demand for foreign shepherders in the USA decreased at the same time that the supply of this labor declined. Pastoral labor started to experience restrictions in the internal and external labor markets. The great popularity and diffusion of synthetics in the textile industry replaced wool and cotton, reducing the demand for textile labor. Cotton had been produced in great amounts in plantations and large farms especially in southern states of the USA. At the same time, the children of the sheep ranchers turned to industrial jobs or to private businesses for employment. These new circumstances forced sheep ranch owners in the USA to get new cheap labor to compensate for the low demand for wool. In 1970 the Western Rancher Association, which had brokered negotiations between Basque herders and the US government, announced a new source of shepherders from the Central highlands of Peru. A member of the association travelled to the Central Highlands of Peru, more precisely to Cerro de Pasco, and brought back to the USA a small number of herders. These workers proved to be efficient, since they came from Peruvian communities with long-standing experience in shepherding.

The huge work capacity and successful adaptation of the Peruvian herders in the US sheep ranches motivated the ranch owners to continue importing more herders from Peru, namely from the Central Sierra; meanwhile, Basque herders were still arriving but in smaller numbers. In the mid-70s, Spain went through economic growth that acted as a pull factor for immigration, and experienced similar demographic change as other countries like Italy and Japan, which had population fertility drops, becoming immigrant countries instead of emigrant countries.

¹Paerregaard (1987) reports on the emigration of shepherds from Central highland peasant community of Usibamba to the USA.

The majority of the pioneer Peruvian herders in the USA returned to Peru after 4 or 5 years.² The return of these herders created new expectations among members of their home communities. News of the availability of sheepherding work in US ranches spread very rapidly in Peruvian pastoral communities. The returning Peruvian sheepherders brought thousands of dollars back to their communities and told stories about their experiences. They invested in the construction of modern houses and in the education of their children. Some bought trucks for transport of agricultural products; others built their houses in nearby cities like Huancayo, Cerro de Pasco, and Junín. Many went to live in cities, and a small number invested in the improvement of land and in raising cattle. Four or five years later (1975–1976), the number of herders had grown to about 3000, according to the eldest informants. By this time, Peruvians had replaced almost all the Basque herders in US sheep ranches. An office for recruitment of labor was established in Lima under the supervision of an engineer, who had worked for many years in the area. The office acted as a branch of the Western Rancher Association, and it recruited migrant sheepherders from various highland communities in Peru (see Fig. 14.2).



Fig. 14.2 Places of origin of migrants in Peru

²According to Leon (2001, 148), the US government provides Peruvian shepherds with a H-2A visa to work as temporary farm laborers.

Recruitment

At first, it was not necessary for recruiters to go to the highland communities to recruit shepherders, because the herders themselves went to Lima to be interviewed by the branch representative. They had to go through selection exams, where the fact of being a shepherd, or the son of a shepherd, was the most important requirement. Herders also had to prove they were in good health in order to adapt to the radical climatic changes they would face in the USA, especially the high temperatures in the summer, which the herders were not used to in Peru. Some persons who did not meet these requisites also showed up at the recruitment office. Some of them had graduated from the University of Cerro de Pasco and the University of the Centre of Peru in Huancayo, located in the central Peruvian Andes. Moreover, the herders who were already in the USA asked their employers to recommend family members to the recruitment office in Lima, in particular brothers and uncles. The herders then communicated to their relatives in Peru that they had to go to the office in Lima for interviews. If the relatives passed the required exam, job offers arrived from the USA, and the Western Rancher Association and the office in Lima submitted visa requests for the workers to travel to the USA. This process of worker selection is still in use today (For more information about peasant communities where migrants come from, see Fig. 14.3.)

Once selected, herders travelled to the USA, mainly to Los Angeles or San Francisco, with an H-2A visa, which had an expiration date of 2 or 3 years (same period as the work contract). Someone from the Western Ranch Association, or a family member, would wait for the arriving new herder from Peru in the airport in Los Angeles or San Francisco, and immediately they would take the new herder to the ranch to work. The work started the following day with work instruction for the herders, generally translated by relatives who also showed the various work activities in the ranches to the new herders. The herders had to leave their families behind

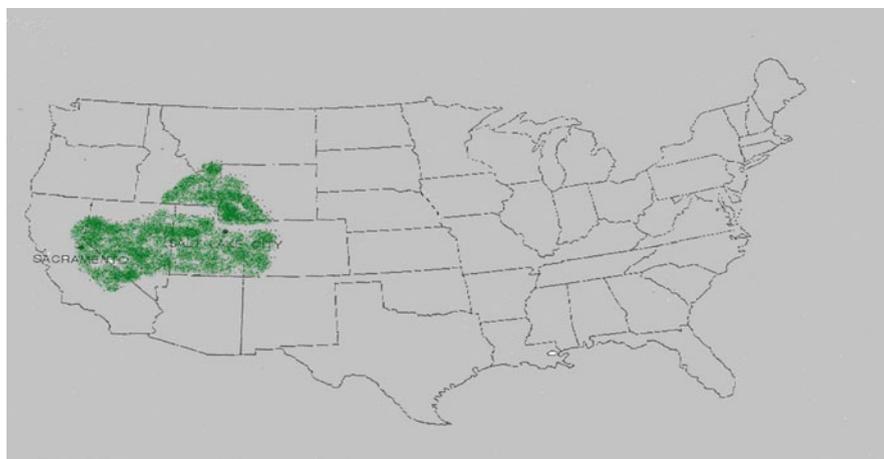


Fig. 14.3 Pasturing areas in the Western USA

(wives, children, and parents), and most of them were married. (In the Andes, peasants and herders generally marry between 16 and 18 years of age, and thus the preferred age among those who travel to the USA is between 16 and 30).

During the second half of the 1980s, the number of herders grew, although the demand for wool decreased because the price of wool fell due to the boom of synthetics. The Western Ranch Association expanded their recruitment to other countries, including Ecuador, Chile, and Mexico. Herders came in smaller numbers from these areas among other reasons because they did not have previous experience as herders, or did not accept the low salaries of the occupation. Peruvian herders continued to be the most in demand. An Irish rancher in the USA demonstrated this preference when he stated to me during an interview, "If it wasn't for the Peruvians, I would have left the ranch already."

The largest number of herders left Peru during the first half of the 80s and settled mainly in the Central Valley of California in places like Bakersfield, Wasco, and Delano, and in the counties of Visalia and Tulane. They also settled in the state of Utah in the rural areas of places like Provo, Ogden, Eureka, and Spanish Fork, and other places close to the state capital Salt Lake City, which is the most important center for the herders.

Peruvians also found work at ranches in other states like Wyoming, Idaho, Colorado, and Nevada, where they mainly stay in rural areas near cities like Wyman, Evanston, Rock Spring, Malad City, Idaho Falls, Pocatello, Grand Junction, Holly Mountain, and Snow Water. Most herders stay in the Central Valley of California, and in the states of Utah, Wyoming, Idaho, Nevada, and Colorado.

In the second half of the 1980s, the demand for work decreased because of the continual fall in international wool prices. The labor market for herders was fairly saturated, while the supply of labor increased each year because of the impoverishment of the places of origin of migrants and because of the increasing political violence that started to hit Central Peru around 1985.

Until about 1984, after their work contracted in the USA was completed the Peruvian herders went back to their home villages, or to the Peruvian cities to which their families had moved (Lima and Huancayo). Other herders stayed in the USA, and only a few of them deserted their workplace to become illegal immigrants. Sometimes they changed occupations to less difficult ones with a higher salary. The majority of the herders remained unmarried or they married Latina women with low socioeconomic resources. Very few brought their families from Peru to the USA.

Since 1985, the return migration by herders to Peru declined due to the few attractions in their Peruvian home villages. During these years, the labor demand in sheepherding dropped because of growing international competition in wool and meat markets. The competition came mainly from New Zealand, Australia, and Canada where wool and lamb meat of a better quality was produced. This situation affected the expansion of the pastoral activities in the USA, and it partly explained the labor problems that the herders and employers had to confront.

In 1990, the Western Rancher Association reported in US newspapers that it represented 286 ranches and employed around 4000 herders, of which the majority was of Latin American origin (3000 were Peruvian, but also including Mexicans, Chileans, and Ecuadorians). This information was confirmed by the newspaper *Peru* edited in Burlingame, California, which in December 1990 published an article

about the issue. The interest of the newspaper in Peruvian shepherders in the USA was partly related to the arrival of a government official (of Japanese ancestry) from Peru who travelled to the USA to inspect the work conditions of Peruvian herders. By 2005, the number of shepherders recruited declined to around 2000 as the ranches faced several difficulties arising from external competition as well as the stagnation of wool prices in the international market.

Labor

Since the arrival of the first herders, working conditions have been changing according to the technology used in pastoral activities, and the movement in national and international wool and meat prices. The pioneer migrants found a relatively good working environment; they were herders who only dedicated themselves to this activity and they did not find it too difficult to work in the USA. The attractive salaries (compared with Peruvian salaries) were a magnet for immigration. They could save almost the whole salary and send it to their families, since they had little time to spend money in the USA. Each herder was given a large and strong horse, two dogs, winter and summer clothes, and a trailer where they could live.

In the 1980s, the work conditions did not change significantly. The technology to take care of the sheep remained the same, but the ranches, which started to grow in the 70s, began suffering from stagnation. The salaries were not raised, and the daily rates were and still are \$20 per day. Some of the oldest herders became superintendents in charge of distributing the provisions of cloth and food to the herders once a week after travelling 1 or 2 hours by car from the ranch to the place where the herders were working. A common aspiration of all herders is to become a superintendent, not only because of the kind of work but also because of higher salary (about \$800 a month).

The pastoral activities require total dedication of 24 h a day because each herder is responsible for between 800 and 2000 sheep. The sheep graze during the day and at sunset the herders get the sheep together and keep them close to the trailer where the herder sleeps alone with the company of a horse and two dogs. The next day they go out to graze the sheep where they can eat small bushes, which are abundant on the grasslands and in the mountains.

Cycles of Pasturing Activities

Herders perform pasturing activities that are repeated each year. The first cycle is from February to the first half of April. In this cycle, the sheep are taken to the ranch or to the owner's house in the countryside, although the owners generally live in the city. This is the period of lambing, clipping, healing, and branding of the sheep. In this period the fodder is brought in bales, and the animals eat in the yards of the

ranch. It is also the time for shoeing the horses, cleaning the trailers and washing the clothes. The work is done by shifts in order to look after the sheep 24 h a day. As a rule, the new herders take the night shifts, because the workers with more seniority want the day shifts.

The climate is still cold and rainy, and there is lots of mud everywhere; the ranch smells of sheep and the noise of the sheep is always present. Each herder has different functions. Fortunately, my informant in the study had a nightshift, and we talked for almost the whole shift. He arrived 2 years before, leaving his family behind in Peru. Now he wanted his contract to end in order to go back to his community. His experience, like that of all the other herders, can be summed up in a statement he made when I was about to end the interview: "When you are in Peru you dream of the USA and when you are here you dream of Peru." It is in this period that the herders get together, as the case of the Inga brothers who had not seen each other for 9 months. It is also the only chance to visit Salt Lake City for a weekend and to participate in a soccer championship. The chances to go out are few because this requires permission from the employer, who is very reluctant to give them permission, since there have been cases where the herders do not return to the ranch.

The second cycle starts between the 15th and the 30th of May, when the herders go to the highlands because the temperature is warmer and the grass is beginning to grow. They go with the employer or with the superintendent to places they already know, where they can stay. Once installed in the places, they stay there during 5 months until October or November (summer and part of the autumn). The herders are allowed to move their trailers when there is no more grass at the site and the superintendent who comes out to check every week also helps to do the work.

During the stay in the highlands the herders ride their horses, and their dogs accompany them and the flock. The herders carry a portable radio or tape-recorder where they listen to programs in Spanish. At night they go back to their trailers, where they cook and sleep, but they are always alert to any kind of movement or noise because wild animals are around, such as pumas, snakes, and wolves, and they can kill and eat the sheep.

The temperature is very hot in the summer months and can get to 35 °C (or about 95 °F) in the shade. The herders complain of the heat, because it constrains them to swim in the lakes that have poor swimming conditions. This period also contains the hunting season and American hunters come around, but the herders cannot communicate with them because of the language barrier. Sometimes, the herders visit their friends who are half an hour away on horseback, but they cannot stay too long, because they are not allowed to leave the sheep alone. They are responsible for each one of the sheep, which are counted when they are given to the herders at the ranch. If one or more sheep is missing, the superintendent reports it to the owner. According to the herders the days are very long and there are no breaks to relax on weekends or holidays. The herders have the right to a 1-month holiday a year, but the employer prefers to pay them an extra 25 % of the salary of about \$750 instead of giving them a holiday. Pastoral work requires the constant presence of workers, so employers are reluctant to let the workers take time off. In October, the herders are told by the employer to come down into the valleys because the pasture in the highlands is gone and the temperature gets colder. It starts to snow and the grass disappears.

The third cycle starts the first days of November, which is the beginning of winter, when the highlands become covered with snow, and the valleys have a milder temperature. Dry fodder, which was harvested in the summer, is substituted for pasture. Some ranchers produce their own fodder, while others buy it. Each day the sheep are taken from one place to another to find grasslands. Many herders prefer these periods because they work closer to the cities and they have more chances of meeting other people. The new herders are generally sent to the grasslands at higher elevations, while the herders with seniority stay in the lower grasslands. In this way there is a kind of rotation in the work. At the ranch, one or two herders prepare the yards for the sheep, which arrive in March, along with the employer.

The herding routine in the lower grasslands is quite similar to the highlands. The herders' stay on the lower area is 4 months of almost complete solitude, but there is more communication than in the highlands. In February, the herders are told by the superintendent to return to the ranch. The herders wait anxiously for this message, because according to them the months of February through May are the best months of their life as herders.

In February, herders go back to the ranch, where they meet with their coworker who is generally a family member or other kin. Also, the ranch has better conditions such as health care, running water, and toilets, and the shepherds can go out on the weekends. They also eat better, because the food is not prepared from cans. It is springtime, the climate is very nice, and the valley turns green. It is definitely the best season of the year. The period is very short, however. It only lasts for 3–4 months before they have to go up to the highlands again.

The yearly cycles to which the herders adapt go on and on like this. Some of them work an average period of 12 years; others abandon the work after a year and become illegal immigrants because they break their temporary visa rule. Others return to Peru when their contract expires.

During the last 10 years and especially in the last 7 years, the labor problems, which were already starting the end of the last decade, began to take on the character of a real conflict.³ According to the employers, the labor market has become saturated with abundant labor offered by illegal immigrants, who will work for lower wages than the established salaries. The international competition and the low internal demand for meat and wool, together with the climatic changes in the last years, have influenced the production of grasslands in a negative way and the sheep pasturing business is no longer profitable. According to employers, this is also the reason why some employers can no longer fulfill their salary obligations to the Peruvian herders and other workers of Latin American origins. One employer with many decades of experience stated during an interview that he was looking for a possible buyer for his ranch.

The herders confirm that some employers are not fulfilling the contract agreements. These facts are not known because the herders are afraid of the employers, who according to the contract are allowed to dismiss the workers or to send them back to their country. The herders are not allowed to organize into unions or worker associations. The salaries do not increase according to the annual inflation rate of 4 %, and in many cases salaries are frozen for up to 2 years.

³Paerregaard (2005) in an insightful article analyses the struggle between herders and ranch owners using five case studies of Peruvians in California.

In addition, the material working conditions have not been improved or modernized according to existing livestock technology. The trailers have no heating in the winter and no air conditioning in the summer. Also the herders are not given changes of clothes during the different seasons. Each time the herders want to go to another city or to visit some relatives, they have to ask for permission from the employer. When they get sick, they are not taken to the hospital, and they have to buy their own medicine when the employers refuse to pay for it, even though employers are supposed to provide health care and medicine to the workers.

The Western Ranch Association, which represents the ranch owners, spoke out in the newspapers to state that both parties are right in this conflict, and that the solution is not going to be easy. The association argues that there are good and bad employers like anywhere else in the world. They accuse the US Labor Department, which supervises the migrant workers under the H-2A visa program, of not fulfilling their obligations when the contracts are broken or not fulfilled. Each state has an agency that promotes and protects the rights of the agrarian workers and also provides legal representation for workers by several lawyers. In the state of California, this agency is called California Rural Assistance.

In one case, a representative of California Rural Assistance carried out research and on several occasions complained about ranch owners to the Labor Department. This was done on the basis of evidence of ill treatment of the herders. The General Consul of Los Angeles and San Francisco, together with a Peruvian deputy (who was appointed especially to examine this case) and several Peruvian journalists residing in the state of California informed the North American press about the results of the 1990 research. Television channels like ABC, NBC, CBS, and the Latin American channel UNIVISION were included in the dissemination of the results.

Fifteen years later, working conditions had not changed. The employers still had power over the herders. A lawyer from California stated during an interview I conducted that "The Peruvian herders are treated more or less like prisoners and not like workers. They have to work 24 h a day. The employers do not allow them to buy a car, a bicycle or any means of transport."

The labor conflicts will go on as long as the economic and material crisis of the ranches continue and as long as illegal immigration provides cheap labor force, and while the herders are not able to organize pressure groups. Consequently, the herders will continue to be exploited, and they accept this condition with some resignation. Each day the possibility of returning to Peru for some herders gets less and less attractive because of news they get from their families and from the Peruvian media, in spite of the fact that political and economic conditions in the countryside are more stable than years before. Many Peruvian herders have abandoned their activities and become illegal immigrants, a situation which is not appreciated by the employers, who consider that they have been abused and abandoned by the Peruvians and that this has caused them many problems in the management of their ranches.

Social and Cultural (Mis)Adaptation

The major costs that Peruvian herders have to confront in adapting to US environments themselves are social, cultural and psychological ones. The herders do not seem to have many cultural problems because during the 9 months of work they hardly see anybody except for coworkers and the superintendent once a week. They do not have language problems either because many of them speak Spanish mixed with Quechua to their colleagues. According to the herders, the only things that give them company in their solitude are the dogs and their horses. The radio is another companion to these “heroes of the American highlands” who have conquered the pasturing highlands, the climate, and the distance from home.

In the beginning of their temporary stay in the USA, it is difficult for the herders to adapt to the climate, the daily routine, the food, the rhythm of the work and the responsibility of being in charge of around 1200 sheep. The more experienced migrant herders have the function of intervening between the employer and those who recently have arrived. But the new herders also encounter some familiar patterns. For instance, the geographic surroundings are similar to the central highlands of Peru and the distances to the big cities are also similar to conditions in the Peruvian highlands. The dogs are very similar to the ones used in Peru, but the horses are bigger than in Peru. The huts they had in Peru when pasturing in the highlands are now replaced with a horse-drawn trailer in the American western style. Moreover, the days go on and on in a very monotonous way: taking care of the sheep and looking after them so they do not mix them with sheep from other ranches.

During their stay at the ranches, the herders remain together even if they may have different responsibilities during the day. However, they only interact during lunch breaks and in the night for those who have dayshift. On some weekends, the herders organize *pachamanca* (a pre-Columbian food) in the same style as they did at home. They buy a sheep from their employer for \$50 and they pay for it with work. In the night they drink beer and reminisce in Quechua about their families and homes. They cry for their loved ones, especially their wives and children, and when they recall the music, the parties, and so on. Some employers complain about the drinking in the weekends. In Utah, where the majority of the herders live, the majority of the population is Mormon, which is a religion that prohibits alcohol, cigarettes, coffee, Coca Cola, and also prostitution.

One herder told me that many of his colleagues went to the neighboring state of Nevada to visit the houses of prostitution. The herders visit houses of prostitution that are administered mainly by Latin Americans who employ Latin American women. The majority of the herders go to the least expensive houses of prostitution which are generally staffed by women older than 40.

During the period when the Peruvian herders stay at the ranch, they organize soccer games with other Latin American immigrants, mainly Mexicans. Some of the Peruvians who have left the pastoral work after many years have received visas for permanent residence; others have applied for permanent visas, and the rest are illegal. Peruvian immigrants have also organized a club called Club Peru with about

30 members.⁴ Some of the herders participate in this club. Peruvian associations in the USA organize many different activities similar to those existing in the USA. For example the Peruvian associations organize celebrations for national days, birthdays of the members, and they organize activities to collect money to send to Peru.

There are no major significant cultural changes among the herders, including those who have worked in the USA for many years, due to the almost non-existing interaction with other cultural and social groups. There are no great challenges other than at work. This means that the herders culturally continue to be peasants in the most developed country in the world, and when they return to Peru they integrate very easily back into their communities, even though their economic conditions are very different from those who have not left the community.

Personally, it was a very nice experience to share with the herders and to collect information with traditional anthropological methods, using my field notebook, making interviews in situ with the herders and employers, speaking Quechua, singing *huaylas* (native music), discovering the enormous affection that the herders feel for their communities, drinking beer, eating *pachamanca*, listening to music from Central Peru, and also remembering my fieldwork between 1970–1972 and 1982–1983 and, more recently, research on Wellbeing and Quality of Life⁵ in the Lima–Huancayo–Huancavelica corridor. In fact, it was hard to believe that some of the herders and peasants that I studied during those years were now in the USA, and that those I interviewed in the USA were now in their villages of origin.⁶

Remittances

Among the major motivations of Peruvian herders to migrate to the USA are the higher salaries and possible uses of the new money in different areas of the peasant economy.⁷ Many herders have fulfilled their expectations of the migration, which encourages others to migrate.

Since the very beginning, the herder is conscious that he is not going to the USA to achieve the “American dream,” and his idea about American culture is very far

⁴In my 1988 study, I found 477 Peruvian voluntary associations in the USA alone. These associations are based on ethnic identity and common geographical origins as well as on sports, religious, social, and professional bases (see Altamirano 2000).

⁵UK, ESRC funded research project currently taking place in Peruvian central highland region, a place of origin for immigrant shepherds. The project includes four countries: Ethiopia, Bangladesh, Thailand, and Peru. One of the research objectives is to explore the links between migration (internal and international) and well-being and quality of life.

⁶In a report submitted to the ESRC Project 2006 on Wellbeing and Quality of Life, I demonstrate the close link between internal/international migration and the construction of well-being in the central Peruvian highlands.

⁷During the last 10 years, studies on the economic and social impacts on local development have been studied extensively, namely in Mexico, Central America, Andean countries. My 2006 book demonstrated the link between remittances and local, regional, and national development.

away from reality. The herders, in general, have an Andean rural culture and only little previous migration experience. The large majority has only a few years of formal education. Many of them speak mainly Quechua and live a well-integrated life in their home communities. They are generally married and live in herder communities in the highlands of the Mantaro Valley in Central Peru. Their largest economic income comes from the selling of a few sheep, because they do not have many. They do not have access to wages or salaries in their communities, and they are basically self-sufficient. To work outside Peru was not in their plans initially. The first travel experiences to the USA were very important in their communities because it was like enrolling in the army or something similar, not knowing whether they were going to come back or not. These were the conditions and attitudes of the average herder in the first decade of their migration.

In relation to remittances, the herders informed me that they send almost the entire salary to their families back home. The average salary has changed very little, and it is about \$700 per month for new herders and \$900 for the more experienced ones and for the superintendents. These salaries are almost entirely saved, because the employers cover most of the expenses such as food, medicine, clothes, and accommodation. Since herders have almost no spare time or vacations, they spend little money while in the USA. Robin Kirk who is an associated editor of the Pacific News Service wrote the following in the newspaper *This World*: “When finishing 3 years of work Mr. Porta who is a sheep herder had sent \$20,000 to his family” (*This World*, March 5, 1989). This is a good example of remittances sent to the peasant economy in Peru.

If we have an average income of \$700 a month (\$8400 a year) and we multiply it by 2000 (which is the number of migrant herders), we will get a total of \$16.8 million. Of course, the whole amount is not sent to Peru, but it is estimated that at least 50 % is sent back to Peruvian peasant communities. Some employers informed me that lately the more recent workers send less money to their families compare to the older ones. Many of the herders have separated from their wives in Peru and have married or live together with other Latina women in the USA. Others prefer to save their money in a US bank, or keep the money “under the mattress.” According to the information given by the four Inga brothers in Salt Lake City, and by the son of one of the older herders, it seems that money remittances have been reduced to 50 %, that means that now around \$3500 is sent per year. This amount is definitely the main income of the 2000 families of the migrant herders in the central highlands of Peru, and it is much more than they can get from selling their cattle and sheep, or the money they can earn through internal migration.

We might ask ourselves how this money is invested in a peasant economy, which is not used to having this new income. In the 1970s, the major part of this new income was invested in buying cattle or sheep; constructing new and more modern houses in the community or in the city of Huancayo; in religious tasks and obligations, or in some cases to buy a pickup truck or to open a small store. In the 1980s, the priorities changed to education of the children, purchase of manufactured goods or clothes, or for opening stores in cities like Huancayo, Cerro de Pasco, and Junín. The investment in agriculture and livestock gets smaller over time.

The same process can be observed in the provinces of Azuay and Azogues in the south of Ecuador where the money sent by the peasant migrants is mainly used to build Californian-style houses. This investment in housing construction generally has the objective that when the migrant retires he will go back to Peru to live in his new house. Unlike the Peruvian herders, the Ecuadoran migrants basically work as manual workers and mainly live in cities in New Jersey or New York. The Ecuadoran migrant workers in the USA are similar to Mexican labor migrants who work in agriculture and in cities as laborers.⁸

To summarize, we can state that money remittances sent by the Peruvian migrant herders are generally used to improve the material conditions in the peasant economy as well as to support religious parties and tasks, which has a very close relation with the processes and the production of cultural identity. Remittances thus are used to improve and promote the process of urbanization in the countryside through formal education, the migration towards the cities and through the consumerism of urban products. The traditional peasant activities are pushed aside, and this has started a process of social and economic differentiation. The community which is the basis of the economic and social organization has been weakened, not only as a consequence of the systematic introduction of the market economy, the penetration of Protestantism, the labor migration and the new role of the migrants who returned from the mines and the cities, but also due to the existence of money remittances, which has created new perspectives for capitalist development. This new situation has made the differences even bigger between those who had migrated internally and those who migrated abroad, especially to the USA.

Return Migration

Since migration started, there have been two quite different phases in relation to the return of the herders to their home communities, or to the cities where their family moved to with the help of the remittances. The first phase is from 1971 to 1985 and the second one is from 1985 up to the present.

In the first phase, the herders who migrated were convinced that they could return with money to invest in their main activities, which were raising cattle and agriculture. Almost everybody returned except for those few who decided to get a permanent residence visa, which meant that they could bring their families to the USA. Some decided to stay in the USA and work in other industries like the construction business, carpentry, or they became workers in highway or railway construction. During this phase, the main reasons for returning to Peru were many: the cultural attachment to their communities, the stability in the household economies,

⁸Two studies that demonstrate extensively the economic impact on rural development in Mexico have been published by Rodolfo Garcia Zamora (2003) and Rodolfo de la Garza (2002). For the Peruvian case, my own study (2006, 149–186) analyses the economic, social, and cultural impact of remittances rural communities in Ecuador and Peru.

the high exchange rates of the dollar, more prestige among migrants than among non-migrants in the community, loyalty and fidelity towards their wives during periods of longer stays and so on. It was better to return than to stay in an unknown country, because even though the herders had stayed for a long time in the USA they never got to know US culture and society very well.

It is estimated that up to 1980 about 80 % of the herders returned to Peru after their contracts ended. Afterwards the percentage decreased to 60 % according to the herders themselves. At that time, some of them already had higher formal education and were more educated than the first migrant herders and, culturally, there were fewer peasants. Some of the young people who were sons of herders used illegal ways to get into the country and then became legal after a couple of years, but some of them also stayed as herders until the present. These facts are confirmed by the employers who stated that the pioneer workers were better and more hardworking, they saved more money and when their contract ended, they returned to Peru with their saved money or they sent it to their families. In contrast, the ones who arrived after 1980 were less hardworking, they did not save much money, and they often abandoned the ranches.

The second phase started around 1985 when the conditions of migration started to change both in the destinations as well as in the home communities. In this later period, the investments from savings were changing. In this phase, many of the peasant families have migrated to the cities, because the pastoral and agricultural work are not worth staying for. In addition, due to the political violence, armed groups (including the army or the police) constantly threatened peasants.

The news that the migrant herders get about their home communities, and about Peru in general, in the second phase are often about political violence, rural poverty and the general increase of crime. The letters from the families inform them about this reality. The herders do not completely understand these facts, and this makes the decision whether to return or not more difficult. Letters from the relatives express systematic and desperate claims for refuge and shelter. Initially, relatives are concerned with the return of the migrants, but now they are more interested in have the migrant family members stay in the USA, so that they can help their relatives in Peru get visas to get out of the country. The relatives also warn that if the herders return home with dollars they can become victims of crime or they can be killed. The pressure on the migrants to send more remittances grows due to the bad conditions of the peasant economy. To summarize, relatives in Peruvian communities see the migrant herders as saviors—a situation that produces enormous nostalgia and difficulties in fulfilling all the demands from relatives back home, especially when it is about sending more money. These demands for more remittances grow but cannot be fulfilled because the salaries are the same as in the decade of the 60s.

At the same time, the conditions at US ranches are not good due to the stagnation and fall in pastoral work. This situation has caused conflict between owners and workers, as mentioned above. During the last 10 years, as the demand for labor has fallen in pastoral work, fewer Peruvians have emigrated. The employers are starting to prefer Ecuadorian, Mexican, and lately Mongolian workers, because according to the owners many Peruvians have abandoned the ranches. During this period the number of returning migrants to Peru has fallen to half.

Conclusion

The most important conclusion from my study of the sheepherders who migrate to the USA is that the migration created a cultural condition that presents an alternative to the peasants. The image of the American dream has arrived at the Peruvian countryside, not so much through the means of communication, but through testimonies from relatives or friends from the community who have traveled to the USA. As a consequence, many peasants, and not only herders, have become attracted to the idea of emigrating. At the same time, the ability to obtain a visa to migrate to the USA has become harder. This is because US officials are reluctant to provide visas because many Latin American who receive visas overstay in the USA and become illegal immigrants. Some migrants try to help their close relatives to emigrate, while other Peruvian migrants become illegal immigrants in the USA. For some Peruvian peasants, emigration turns into a lifetime strategy as a means to prestige and capital accumulation, abandoning their traditional ways. Either way, migration and remittances are changing the social and economic landscape of rural communities in Peru.

In summer 2013, as the US Congress considered a bill for comprehensive immigration reform, it became clear that the restrictive working conditions of the Peruvian migrant herders in the USA were not going to improve significantly anytime soon. Sheep ranch owners lobbied Congress to exempt imported migrant herders from the federal minimum wage through the proposed reform. In an interview by National Public Radio, ranch owners argued that paying the migrant herders less than the minimum wage was necessary for the US sheep industry to remain alive because sheep ranch owners did not receive government subsidies as agricultural farmers have done for many years (NPR.org 2013). Advocates on behalf of migrant herders, however, argue that these workers have suffered widespread abuse and exploitation by their employers, and in Colorado complaints by two Peruvian sheepherders led to a lawsuit against ranchers and labor recruiters (*The Denver Post*, 2010).

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Chapter 15

The Impact of the Economic Crisis on Migration Flows: Polish Immigrants in the UK and Ireland

Catherine Wihtol de Wenden

Abstract This chapter looks at how the Euro Crisis of 2008 affected migration flows by tracing the history of Polish migration to the UK and Ireland. First, it places the current crisis within the historical context of two previous crises: the oil crisis of 1973 and the Asian financial crisis of 1997–1998. Second, it focuses on the characteristics of the new migration flows that emerged with the opening of the Iron Curtain and the accession of Eastern European countries to the EU. While many of these new European citizens in the East decided to move to western Europe, they often lived liminal lives, residing in-between their place of origin and their place of immigration. Using demographic data and interviews, this chapter identifies two types of Polish migrants to western Europe: young people who moved to the UK and Ireland before the 2008 crisis to learn English and acquire some work experience, and as such took jobs with few skill requirements (in coffee shops, restaurants, and agriculture); and highly skilled individuals who joined the labor market as technicians, nurses, engineers, and computers specialists. The chapter discusses their experiences after the Euro Crisis in 2008, finding that regardless of the final effects of the EU crisis, we are witnessing a normalization of a mobile lifestyle that has remained relatively unchanged despite challenging economic conditions.

Introduction

As the twenty-first century advances, international migration flows have greatly increased and are now a global phenomenon and one of the major policy challenges facing governments. Europe, in particular, has discovered that it has become a continent of immigration, much to its own surprise. Human mobility has often accompanied periods of international chaotic trends. In this world stricken by recurring

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political crises, risky social gaps, and the economic crisis, we see new difficulties for immigrants, particularly for refugees and unaccompanied minors.

The classical categories of migrants in economic, family, and political flows have been blurred. According to some observers, recent decades constitute a third major migration wave, the first one having occurred between 1880 and 1914 and the second between 1945 and 1974, mostly in Europe. Has the global financial crisis of 2008 shifted the situation? Although developing a global overview of the impact of the crisis on migration flows remains difficult, we can trace its main trends. However, let us first examine two previous economic crises: the oil crisis of 1973 and the Asian financial crisis of 1997–1998.

The recession that followed the 1973 oil crisis had enormous but unforeseen consequences for migration, as it brought the end of the *gastarbeiter* (guest workers just recruited for work) period in Europe. Prior to the crisis, migrants primarily served as a low-skill labor force to meet short-term labor deficits in the post-war period. After the crisis of 1973, Europe closed its borders to economic migration for 30 years. However, in the years since, a new era has seen the progressive reopening of borders to labor migration for economic and demographic reasons. The era from 1973 to 2000 was a period of family reunification as migration flows due to changes in visa systems and border controls. Big firms would develop new strategies, including exporting their capital and implementing a new international division of labor in Asia and Latin America, which would lead to new immigration flows. Oil resources in the Gulf countries and some other oil-producing nations created a new economic boom and attracted south–south migration in the region.

The Asian financial crisis of 1997–1999 had a weaker impact on migration. Several governments developed policies of national preferences for employment, expelling their foreign workers, namely the undocumented ones. In some cases, migrants have been the scapegoats for unemployment, disease, and criminality. But as in Malaysia, for example, employers also rapidly discovered that most nationals were reluctant to take the jobs formerly occupied by immigrants, even in a recession period. These employers asked to end the deportations. Economic growth in Asia was stunted until 1999 when migration returned.

These two examples show that the link between economic crises and migration flows are complex and difficult to predict. Are we in a better position to foresee the trends in the years to come? In Europe, one of the most visible impacts of the economic crisis of 2008 on migration trends has been the return of Eastern Europeans (mainly Poles) from the UK and Ireland to their homeland. According Catherine Wihtol de Wenden and Anne de Tinguy (2009), those who decided to stay in the UK and Ireland were those who were highly skilled. Migrants who are poorly qualified have been strongly struck by unemployment in the construction and tourism industries, yet they have weak prospects in their own countries. Europe has also experienced a slight decline of illegal migration into Italy and Spain. However, return flows from Europe are limited as the situation in most departure countries is far more precarious, and these countries are confronted with transit and permanent flows from the south (for example, from sub-Saharan Africa). A consequence is the decrease of remittances (328 billion Euros in 2008, 337 billion Euros in 2007, 300 billion Euros in 2006) creating difficulties for families and communities highly

dependent on migration (for example, in Western Africa and the Philippines). Furthermore, local tensions between migrants and nationals is on the rise, especially if migrants are still employed while nationals are not, as was the case in the UK in 2009. The crisis has also increased the legitimacy of populist policies involving the repatriation and resettlement of undocumented migrants and Roma populations. The passage of protectionist policies to support domestic labor, in spite of globalization flows, has weakened gains made by foreigners in obtaining more rights.

The Polish Emigration Wave

Hundreds of thousands migrants went from Poland to the UK and Ireland to look for work followed the ascension of Poland to the European Union on May 1, 2004. This large unexpected migration wave was primarily due to several economic factors including the attraction of the liberal labor market in the UK and Ireland while there was high unemployment in some Polish regions, and the opening of labor markets by these countries (along with Sweden) to Eastern Europeans, while other European countries decided to postpone this decision. While the Polish were traditionally attracted to Germany, these changes effectively put an end to this bilateral migration and Polish migrants began moving to the new immigration destinations of the UK and Ireland. In Poland, the image of Europe improved greatly, as did the image of Poland in Europe: Poland would be considered a country of hard and reliable workers (e.g., the Polish “plumber”). According to the Polish Central Bureau of Statistics (GUS), Polish migrants in the UK and Ireland reached 1.7 million at the end of 2007.

Poland had been traditionally a land of emigration since the end of the nineteenth century. Between 1947 and 1990, in spite of restrictions to emigration in the communist era, it lost 2 million inhabitants. In 1989, during the fall of the regime, nearly 200,000 Polish were working abroad. Post-communist Poland has largely remained a sending nation. During the 1990s, thanks to the suppression of entrance visas on EU territory, an increased departure trend followed, which demographer Marek Okolski called “incomplete migrations.”¹ Temporary, seasonal, and often circular, migration patterns are organized during the 3 months that eastern and central Europeans are authorized to migrate. Most of the migrants work in the informal work and trade sectors. Polish markets have spread in Berlin, Vienna, and at the borders of western and new Europe. But Polish immigration is less permanent a phenomenon than has been previously: the number of family reunifications decreased, as did ethnic migrations (for example, the *Aussiedler*, or the Polish family of German origin that formerly settled in Poland and other eastern European countries that returned to Germany during this era). Some of the exiled Polish from the 1970s and 1980s returned to Poland as well (Fihel and Okolski 2009). At this time, Poland also became an immigration destination.

In this new context of eastern enlargement across the EU, a new wave of departures occurred in Poland. The May 2004 entrance of Poland in the EU shifted the

¹Marek Okolski, Institut d'études sociales, Université de Varsovie, CERI seminars 1991–1995.

trend: after Germany, which had previously welcomed the larger part of Polish immigrants in Europe, the UK and Ireland began to attract young and educated newcomers from rural and semirural areas but also from big towns. Their strategies are different from that of migrants from earlier eras: not only do they leave for work but also for better salaries and new experiences. They benefit from a positive image in the “islands” (the UK and Ireland) where the image of the competitive Polish plumber was not as feared as in France.

In addition, improved air transportation between the British Islands and Poland has facilitated movement. Airline flights have considerably increased: three British airports in the UK connected to Warsaw in December 2003; by December 2007, 22 British airports reached 22 destinations in Poland.

According to the Główny Urząd Statystyczny (GUS, Central Statistical Office of Poland), between 2002 and 2007, around 2.3 million Polish immigrants have officially gone abroad, for a total of 1.9 million in the EU including 690,000 in the UK and 200,000 in Ireland (www.gus.pl). These migration flows are in fact more important because many were settled before May 1, 2004 without a work permit, but rather with a 3-month tourist visa. Some territorial new frames appear with these new east–west migrations in Europe, as the new Europe has to implement the external European border control of the Schengen regime. As Weber (2007) writes, “It is a somewhat uncertain idea which dominates, while the efficiency of control policies has to be proved, that the human and financial cost of this territorial hierarchy is higher than foreseen, all the more than an open and mobile Europe did not require a so strong and old fashioned territorial closure as this one.” The migration experience in the new Europe is still defined by free circulation for some and closure for others (Castles and Miller 2008).

Although the freedom of circulation is a fundamental right for Europeans, the various enlargement processes have been accompanied with waiting periods between migrants’ entrance dates and when they can expect to have full rights for settlement and work. For the first six members of the EU, the freedom of circulation was acquired in 1968. Greece entered the EU in 1981, but its nationals had to wait until 1992 before they were allowed to settle and work in Europe. Nationals from Spain and Portugal, which entered in 1986, could also settle and work in 1992. Among the ten new EU members in 2004, eight of them, which had acquired the freedom of circulation in 1991 (Poland, Hungary, the Czech republic, Slovakia, Lithuania, Latvia, Estonia, and Slovenia) have had to wait while Malta and Cyprus have had access to all these rights for their nationals on their entrance date, in 2004, due to their small populations. Bulgaria and Romania, which entered in 2007, had formerly acquired the freedom of circulation, respectively, in 2000 and 2001, but their nationals did not at the time have access to the European labor market. For eastern European countries, a gradual process has been settled, which takes into account the choice by each western European country to open its borders to settlement and employment of the new Europeans, which depends on its labor market situation. The schedule includes three phases, called the “2+3+2” schedule. The western European countries (EU 15) can grant these rights as soon as the newcomers have entered, as was the case of the UK, Ireland, and Sweden for Poles.

They can wait to allow work rights for 2 more years with sound economic motives, followed by another 3 year period and then 2 more years if they do not feel ready with the competition on their labor market. The maximum length is 7 years. France has so chosen the French Presidency of the EU to grant, in 2008, the freedom of settlement and of work to Eastern Europeans (EU 27), except for Bulgaria and Romania, which will get all these rights in 2013. Except for Poland (39 million inhabitants) and Romania (22 million), the migration potential is rather weak due to the small and decreasing size of the population in the other Eastern European countries.

A Demographic Profile of the Polish Immigrants in the UK and Ireland

EU enlargement has been followed by a strong increase of Polish emigration due to the early opening of the British, Irish, and Swedish labor market on May 2004. In addition to Germany and its temporary migrants of the 1990s, Poles have worked illegally in Italy, due to Polish Catholic networks strengthened by Pope John Paul II, as home and personal care providers (known as *badanti*). When Polish laborers reached the UK and Ireland, many more migrated than had been foreseen. Between 2002 and 2007, 690,000 and 200,000 Polish migrants settled in the UK and Ireland, respectively. Between 2004 and 2005, 25,000 migrants arrived every 3 months. Between April 2005 and July 2006, the British Worker Registration Scheme counted 32,000–38,000 newcomers every 3 months. The peak was reached at the second semester of 2006 when their number exceeded 45,000. It decreased in the beginning of 2007, while remaining rather high (35,000 during the first and the second quarters of 2007). Other Eastern Europeans settled in the UK, but the Poles are by far the most numerous. They became the second-largest immigrant group after migrants from India. In 2006, 580,000 Poles (about 30 % of Polish migrants) lived in the UK. Between 2002 and 2007, Germany officially welcomed 490,000 Polish migrants.

Polish migrants abroad are a young population (82 % are between 18 and 34 years old), mostly single, with a high level of education (13.6 years). According to Okolski (2007), the Polish emigrants are the youngest in Europe (on average, 25 years for migrants over 15 who have lived abroad for over 2 months), in contrast to the USA where they are the oldest (on average, 46 years for the same population group) according to this same source, the level of education has even increased since the enlargement of 2004: one Polish migrant out of five has received a diploma from a university. A very high percentage (70 %) do not use their qualifications at work. They aim at getting higher salaries, but often starting in low-skill jobs for a short time because they are not familiar with the local labor market and have poor language skills (Nickell and Salaheen 2008).

Polish young men in the UK are more numerous than young women: 57 % of those registered in the UK between May 2004 and December 2007 were men and 43 % were women. In 2007, 56 % of the women were married or in a relationship. Another study on circular migration between Poland and the UK (Frelak and

Roguska 2008) showed that half of the interviewees who had stayed for over 3 months in the UK and Ireland had an education level equivalent to the end of secondary school, 27 % held a master or bachelor degree; 44 % were married. The reasons of their departure from Poland were primarily related to work: a particular job (51 %), seeking job opportunities (42 %), searching for higher wages (42 %), and helping the family in Poland (14 %). Additionally, 20 % moved to learn English, and 17 % desired to have a life experience.

Other field studies confirm this profile. According to a study on legal salaried migration after May 1, 2004, in the UK, 31 % of departures concerned young, active migrants coming from cities of over 200,000 inhabitants (Iglicka 2008). Most of them supported their families or planned to invest in Poland, namely to buy a house. This data outlines a generation of excluded people who, through migration, try to achieve a higher quality of life. Fifty-one percent of the interviewed declared that they wanted to return to Poland and 23 % wanted to stay in the UK. According to another study (Nickell and Salaheen 2008), one-third wanted to stay less than 2 years, but one fourth did not know how long they would stay.

Working Abroad, and Returning to Poland

These Polish workers found jobs in the construction industry, services (cleaning and restaurants), and agriculture: in these sectors the demand for labor is high and wages low. Many of them accepted low-paying jobs, often below what they should earn with their qualifications. There is a substantial difference between wages paid to “old” and “new” Europeans. In agriculture, the British wages surpassed the Polish ones threefold and in construction twofold (Tomkiewicz 2008). The stereotype of the Polish plumber, largely a symbol of low paid work done by qualified hard workers competing with the nationals, was less present than in France. However it has increased in the public opinion with the crisis of 2008. Although the Polish presence on the labor market has had a weak impact on British salaries, controversy spread concerning the impact of Polish immigrants. On February 2009, several strikes in the UK were led against foreign workers employment in a dozen energy companies with the slogan “UK jobs for British workers.”

Economic factors only partly explain this migration; many Poles migrated with the aims of learning English, starting a business, living in a more liberal society, and enlarging their horizons. However, the economic factors are the most important. The high unemployment rates explain this high mobility in various regions. In the various regions (Voivodies) of Poland on June 2005, unemployment reached 27.6 % in Warmie-Mazurska, 25.5 % in Western Pomerania, 22.5 % in Kujawy-Pomerania, 24.4 % in Lubuska, and 21.1 % in Low Silesia. In 2007, the rates were still quite high in Warmie-Mazurska (18.7 %) and in Western Pomerania (16.3 %), the two regions that generally show the highest unemployment rates nationally. In 2007, although economic growth was foreseen at a rate of 4.9 % until 2015, 12 million Poles were on the verge of poverty, earning less than 2.5 Euros per day.

Other considerations like lower trust in their government were additional considerations for migrating Poles.²

According to the Polish press, Polish migrants have formed communities organized in associations helping compatriots, similar to those that formed in the 1920s in mining communities in Northern France and in the steel industry of Eastern France.

Despite any support they might receive, the high mobility of Poles in some sectors of the labor market in the UK, such as rural areas where the recruitment of labor force is difficult, accounts for many migrants returning to Poland. Poles are likely to work in less stable positions, such as agriculture, cleaning, and meat/fish conditioning. In summer, some seasonal workers are hired in the agricultural region in the southeast of the UK; 22 % consider themselves as seasonal workers. The typical jobs occupied by the Poles are: butchers, engineers, gardeners, and workers in construction and tourism (Nickell and Salaheen 2008). Today, the borders are open, and more migrants are circulating, and the less they are likely to settle for the long term (Wihtol de Wenden 1999).

According to Pollard et al. (2008), more than four Poles out of ten (42 %), who previously worked in the UK (since 2004) and returned to Poland were not registered in the Worker Registration Scheme. Most of the low-skilled workers decided to return after having gathered a certain amount of money, after the end of their seasonal work, to study, or for family reasons (36 % came back home because they missed their families and friends, 29 % because they wanted to be with their families in Poland, and 7 % because their partner returned to Poland).

Table 15.1 shows reasons for returning to Poland that were cited in a sample of 638 individuals (IPPR, April 2008).

The Future of Immigration Flows from Poland and to Poland

The factors that will have an impact on future Polish migration flows are the following: (1) economic development in Poland, and (2) opportunities offered by other EU countries, such as Ireland, Sweden, the Netherlands, and Germany) (3) the demographic profile of the Polish population, and (4) the state of the British currency.

In Poland, migration flows mostly consist of Poles moving abroad. However, since Europeans gained the right to free circulation in 2004, most Polish migrants do not declare their exits (537,000 were living abroad for over 2 months in the second trimester 2007, including a high proportion of women). According to Roguska (2008), during the last 10 years, 9 % of adult Poles have been working abroad (some 2,800,000) and 1 % declared they were still working there. Additionally, 52 % of those who declared they had worked abroad had left Poland after May 1, 2004, and 19 % said they had left Poland before 2004 and went on to work abroad again after 2004.

²For unemployment rate by Voïvodie for June of 2005, see François Bafoil *La Pologne*, Fayard/CERI, 2007.

Table 15.1 Reasons for returning to Poland (2008; *N*=638)

Reason	Percent	# Individuals
I missed my home	36	135
I wanted to be with my family	29	107
I came for seasonal work	18	67
I always planned to come back after having saved money	16	58
I wanted to come back to university	15	54
I wanted to come back after some time in the UK	14	52
I felt unable to earn enough money in the UK	7	27
My partner came back to Poland	7	24
The life cost is too high in the UK	5	18
I wanted my children grow in Poland	4	15
I was unable to find a job fitting with my qualifications	4	15
I was unable to find a job in the UK.	4	13
Housing in the UK is difficult	3	12
Polish economy is stronger than before	3	11
I do not feel very well accepted in the UK	3	10
The working conditions are difficult in the UK	3	10
I want to buy or to build a house in Poland	3	10

Although Sweden, Germany, and Norway are also still attractive for Polish migrants (in total numbering 406,000 in 2007, among them 292,000 gainfully employed), the main destinations in these years are the UK and Ireland. In Ireland, Polish migrants numbered an estimated 350,000 and in 2006 they formed, with other Eastern and Central European countries, 42 % of entrance flows. In 2007, Ireland implemented a “green card” quota for highly qualified jobs and for a restricted number of less qualified jobs that have shown labor shortages. In addition, opportunities to extend the residency card for students have made Western Europe very attractive. In 2006, there were 361,000 Polish students in Germany, 229,000 in the UK, 170,000 in Canada, 72,000 in Italy, 62,000 in Ireland, 58,900 in Austria, and 51,700 in Sweden, which represents around one million. There has been a decrease since the second semester of 2007.

In Poland, immigration, however, is very weak: officially 55,000 foreigners (0.14 % of the total population) had permanently settled at the end of 2006. Except for the Vietnamese and Armenians, few immigrant groups are settling in Poland (Chechens, Ukrainians, Belarus, and Moldavians). In 2006, among the migration flows to Poland, 26 % were Ukrainians, 16 % were Germans, 6 % were Belarus, 5 % were Vietnamese, and 4 % were Russians. German, Ukrainian, Russian, and Vietnamese migrants are often seasonal workers

One can perceive the beginning of an immigration policy, with a temporary worker permit, a legalization policy, and a residence permit for those of Polish descent who return from the former Soviet Union. In Poland, the growing shortages of labor led the government to enlarge the criteria of access to the labor market for immigrants. Recruitment has become less expensive for employers. Employment

rights for seasonal workers from Ukraine, Belarus, or Russia are no longer limited to agriculture, but has been extended to other sectors of economy. According to a sample of employers in the industrial and trade sectors in 2008, the departure of Poles abroad has led to labor shortages in the Polish car industry, which in turn led to higher wages and increased workers' demands for better working conditions. In 2007–2008, the returning Polish migrants helped raise wages for low-skilled workers, but because those who had a higher level of skills needed to work in low-skilled jobs during their time abroad, many of them lost some of their skills. This has led to a competition between the qualified workers, especially as the returnees are more demanding.³ Remittances are a factor of development and of access to consumption. Some regions of emigration are losing population and circular migrations have increased along the border with non-European eastern neighbors. Migration has improved Poland's image abroad and has Europeanized Poland, bringing more tolerance towards foreigners.

In a context of population loss, Poland may enter a spiral pattern with regard to immigration: a deeper cooperation with Eastern neighbors for transnational work, a competition with new migrants from Asia, and a reinforcement of internal mobility inside Europe. Poland has taken its inspiration from South Korea, leading a strong devaluation of their currency, which makes Polish goods very attractive for German consumers; the economic crisis has brought opportunities for cities close to the German border in this respect. But this novel policy does not solve the structural problems; at the 2020 horizon, Poland, like most Eastern and Central European countries, will have to face the need to develop immigration policies of its own (Thränhardt 2008).

The Impact of the Economic Crisis of 2008

As for the impact of the 2008 crisis, according to an April 2008 report by the Institute for Public Policy Research in London, half of the Polish workers who arrived in the UK since 2004 have left the British territory. The World Bank made similar estimates in autumn 2008, stressing the acceleration of departures in 2007–2008. The large decrease in the demand for work permits is one of the main indications of the reduced Polish presence in the UK. Between October and December 2008, Polish applications are half as many as compared with the same period in 2007 (from 53,000 to 29,000). Similarly, 25 % of the Polish migrants returned to Poland between October and December 2007 compared with the same period in 2006 (from 65,000 to 53,000). In 2008, the applications in the eight new European states, which entered the European Union in 2004, addressed to the Worker Registration Scheme fell to 165,000, the lowest level since 2004: they reached 218,000 in 2007 and 235,000 in 2006.⁴ In the construction industry in Ireland, the

³Seminar by the Association Progrès du Management (APM), Warsaw, February 6, 2009.

⁴*The Herald Tribune* (London) 25 February 2009, *The Times* (London), March 16, 2009.

number of Poles decreased by half during the second semester of 2008.⁵ This trend continues; the falling exchange rate of the Sterling Pound made the remittances less attractive in Poland (one pound was exchanged against 7 zlotys in 2004, then 4 in 2008, which weakened the economies in terms of money sent by Polish workers in their country⁶). The Polish labor market has become more attractive due to shortages of labor and higher salaries. It has also become more desirable to invest in a house or in a flat in Poland than in the UK, where the living costs are very high. In the UK and Ireland, the situation has deteriorated: the recession has encouraged the Poles to leave the “islands” and homesickness has helped some reluctant migrants to make up their mind.⁷

But there is not an exodus of all Polish migrants fleeing the UK and Ireland. According to an interview on April 2009, neither the airplane companies (Ryanair, LOT), nor the transportation companies (Orbis, Eurolines) identified a mass movement of return. The statistics of Polish students in UK schools confirm this assessment; their number has increased by 43 % between May 2007 and December 2008.⁸ According to GUS estimates, in 2008 some 100,000 Poles have left the UK, Ireland, Iceland, the Netherlands, and Spain to resettle in Poland,⁹ which represents a low figure compared with the 1.9 million estimated total departures in Europe between 2002 and the end of 2007. Field studies indicate that the majority of Poles prefer to stay in the UK.¹⁰ A poll conducted on the Internet in October 2008 showed that a majority of Poles preferred to stay abroad, at least for the time being. Although 56 % of those who work in the UK declared that they planned to return to Poland, only 22 % said that they wanted to do so before the end of 2008, while 15 % postponed their decision to “some years” later and 19 % did not know when they might return.¹¹ The Federation of Poles in the UK made the same analysis in early 2009; on January 2009, 500,000 Poles intended to stay in the UK.¹² In Ireland, the trend is the same: distribution of the *Polska Gazeta*, the Polish journal, remains the same, as does the number of Polish shops.¹³

A study in two British cities in October 2008 and January 2009 by the Centre for Cities Institute explains such behavior. For most Polish migrants, it seems less difficult to find a job again in the UK than in Poland. In some cases they hold jobs that the British refuse, in other cases they are preferred by the British employers to

⁵ *Dziennik* 30 January 2009.

⁶ *Warsaw Voice*, May 19, 2008 and Associated Press, September 22, 2008.

⁷ <http://www.metiseurope.eu> March 1, 2008; www.swietapolska.com/news/ April 26, 2008; *The Times*, March 16, 2009; *The Herald*, February 25, 2009.

⁸ Report on the emigration and organization of the Polish in the UK, January 29, 2009; *Rzeczpospolita*, January 30, 2009.

⁹ TOK FM, *Gazeta.pl*. March 9, 2009 (online Polish media).

¹⁰ See *Tygodnik Powszechny*, November 25, 2008.

¹¹ “Toppling the myth: there will be no massive return of emigrants.” Field study published by money.pl in Polish language. Agence France Presse (AFP), October 31, 2008.

¹² Cited in *The Daily Telegraph*, February 14, 2009 and *Rzeczpospolita*, January 30, 2009.

¹³ *Dziennik*, January 30, 2009.

nationals, who are considered less motivated, less reliable, and require higher salaries.¹⁴ Some employers think that the productivity of their compatriots is lower than that of Poles.¹⁵ The Olympic Games in 2012 led to new recruitment in Poland.

Those who have left are mostly single or childless migrants. The return of entire families to Poland seems economically risky. Unemployment subsidies, although weak in the UK, convince a number of migrants to stay without any employment instead of returning to a similarly difficult situation in Poland.¹⁶ In spite of the recession and high unemployment, many Poles feel more secure in the UK.

There is a stronger trend for men to return to Poland than women because the men face better employment opportunities after returning. Among the most qualified workers returning home, migration may be a win-win strategy. According to Borjas and Bratsberg (1996), return represents double selectivity: mobile workers self-select for departure and their return reinforces the self-selection of returnees. The majority of migrant workers that are concentrated in low-skill jobs represent a waste of skills, but there are few incentives for them to return. Migrants contribute to the domestic economy through their remittances, which also enable family members who stay at home to better cope with unemployment. Unless economic conditions strongly deteriorate in their country of destination, the few opportunities for stable employment and good salaries in Poland lead many to stay abroad; few return and bring new knowledge (Hiris and Jeffreys 2008).

Moreover, “leaving the islands” does not necessarily mean going back to Poland; going elsewhere abroad is an alternative that many Poles have apparently chosen. According to a field study conducted in Poland, among those who have lived in the UK, one-third of the former migrants still want to live abroad. Among the 541,000 returnees in Poland since May 2004, 108,000 want to leave again and mentioned wider possibilities of destinations. Some are leaving Ireland for the UK. Others come back to Poland before deciding to return to the UK thinking that they had better to wait for the end of the economic crisis in Poland—this phenomenon has been emphasized several times in the newspapers.¹⁷ Others decide to go to Italy, Norway, and the Netherlands (Roguska 2008). North America and Australia have once again become attractive destinations (Roguska 2008). Migration has become one of the main answers to the economic crisis, as it is now easier for Poles to cross international borders. Many field studies show the permanence of life projects between two spaces (when “there” becomes “here”), enabling transnational links to be established with the country of origin in the long term. The settlement of the family abroad is an important variable in the decision. Since 2009 new European countries have been open to East European workers as well as to workers from France and

¹⁴Catherine Glossop and Faiza Shaheen. *Accession to recession...* March 2009; *Financial Times*, March 16, 2009; *Guardian Unlimited*, March 16, 2009; *The Times* (London), March 16, 2009. The medium weekly salary of Eastern Europeans would be 290 pounds, to be compared with 436 pounds at the national level (*Telegraph*, February 14, 2009).

¹⁵*Rzeczpospolita*, January 30, 2009.

¹⁶*Rzeczpospolita*, January 30, 2009; see also *Polska*, July 5, 2008.

¹⁷*Dziennik*, April 1, 2009.

Belgium; however, the rise of unemployment in the UK, exclusion of migrants, and xenophobia may also lead Polish immigrants to change their direction towards other European countries or to accelerate return movements.

In 2008, Poland voted to prohibit double taxation for Poles working in the UK and Ireland, which has increased some tension between those who stayed and those who wish to return. Returning migrants may also create local social tensions in Poland. One of the regional leaders in Opole, Jozef Sebesta, declared that it was of no use to attempt to convince migrants to come back. He concluded that the “Opolskie—tu zostaje” (“I stay here, you go”) program of 2007 had no more use.¹⁸ The city of Wroclaw, which in 2005 developed the “WrocLovesYou” program, did not implement it. Indeed, these initiatives sometimes met with very negative reactions from Poles abroad.¹⁹

Other cities orchestrated selective return programs. The cities of Szczecin in January 2009 and Poznan in February 2009 conducted such a program to favor the return of computer specialists, medical doctors, and chemists. The city of Bialystok has considered initiatives for those who are ready to invest in regional tourism, while Gdansk has renounced their involvement in this project.²⁰

Conclusion: Future Consequences

The immigration of Poles in the UK and Ireland can be compared to the Portuguese migration to France. That migration brought modernity in the minds and pro-European feelings in the country without strong official promotion. The migration experience enabled the migrants to have access to a better way of life, it led to better consumption and housing, and it promoted better social integration in Europe.

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¹⁸*Dziennik*, March 26–27, 2009; *Rzeczpospolita*, March 9, 2009; *Gazeta Wyborcza*, February 11, 2009.

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