

# **Metropolis North America Report**

## **A Policy Seminar: Managing Undocumented Migration in North America**

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## **I. Context of the Metropolis meeting in Phoenix, Arizona**

In March 2010, the International Steering Committee of the Metropolis Project, with members in Canada and around the world, held its third major event under the rubric of the new “Metropolis North America” network in collaboration with project partners.<sup>1</sup> The first meeting was hosted at the Universidad Nacional Autónoma de México (UNAM) in Mexico City in 2008 and the second was hosted in 2009 at the Ottawa-Gatineau campus of UNAM.

The third meeting was organized by Metropolis’s partner, the North American Centre for Transborder Studies (NACTS), at Arizona State University (ASU). NACTS conducts research and disseminates effective practices and policies on a variety of immigration-related issues facing the countries of North America including border security, competitiveness and the environment.<sup>2</sup>

This third meeting consisted of a Steering Committee workshop for Metropolis International members in order to plan the next two international Metropolis conferences on migration and diversity. The 2011 conference will be held in the Hague and the 2012 conference is slated to be held in the Azores. The meeting also included a policy seminar entitled “Managing Undocumented Migration in North America,” which shared policy and research perspectives on challenges of managing undocumented migration along the borders of North America.

The following will summarize key highlights resulting from the policy seminar. Howard Duncan, the executive head of the Metropolis Project at Citizenship and Immigration Canada, gave introductory remarks opening the session<sup>3</sup>.

## **II. Managing Undocumented Migration in North America: Panel 1**

Lenore Burton, the director general for Strategic Policy at Citizenship and Immigration Canada, opened the first panel of the Metropolis North American policy seminar. This panel challenged experts and policymakers to discuss diverse “National and Supranational Responses” to undocumented migration. Burton’s presentation focused on Canada’s strengths as a country, which continues to welcome legal immigration and mobility avenues to non-Canadians.

Burton pointed out that high levels of permanent residents (approximately 250,000) and temporary foreign workers (approximately 200,000) came to work or settle in Canada in 2009. In addition, the Canadian government exempts 54 countries around the world from having to apply for a visa to visit Canada. The Canadian government panellist also remarked that six million Canadians are foreign-born and form an important part of Canadian society. Considering Canada’s aging population, new immigration flows will continue to be a crucial means for meeting Canadian labour market demand.

While Burton stated that undocumented migration was not deemed a problem for the Canadian government, she did acknowledge that estimates put the number of migrants who entered and remain in Canada illegally at 80,000 to 120,000 people. This undocumented population concerns the Canadian government, particularly with regard to the abuse of workers' rights, the interplay of undocumented migration, organized crime and fraud, as well as health and safety concerns. In order to address these concerns, the Canadian government supports a new strategy to improve regulation and enforcement of the law at ports of entry (such as airports and marine ports).

Following Burton, Marco A. Lopez Jr., the chief of staff at Customs and Border Patrol at the U.S. Department of Homeland Security, shared insights into the U.S. border security strategy and some of the challenges that the U.S. government encounters in "managing migrants." Lopez argued that three key components are needed in order to contribute positively to successful comprehensive immigration reforms: 1) a strategy on managing borders and security issues; 2) strengthening the rule of law; and 3) international co-operation. Recognizing that borders are clearly an important policy focus, Lopez acknowledged that it is unrealistic for the U.S. government to focus "90 per cent of its time on the people at the border, and only 10 per cent on the people we already know."

He also argued that the U.S. Congress should support a new bill on comprehensive immigration reform for progress in this area. The benefits accrued from a new bill would be multiple and would likely include spinoff effects such as a competitive increase in export with Asian countries (e.g. in the automobile and other industries).

Another key challenge Lopez highlighted for the U.S. is smuggling and criminal activity along the border. For example, recently a number of Chinese migrants were detained at the Arizona border after paying up to US\$45,000 to cross the U.S. border. In this context, he stressed the need for government to engage all immigration stakeholders in policy formulation, while holding the door open to increased regulation of employers in growing industries. In closing, Lopez also signalled that greater avenues for legal migration would be a step forward in legalizing undocumented migration.

José Luis Valdés Ugalde, a visiting research professor at the Centre for Research on Economics and Teaching in Mexico (*Centro de Investigación y Docencia Económicas*), followed Lopez. The presentation criticized the U.S. for its current focus on border security without considering other policy tools, such as strengthening civic engagement of migrants in the U.S.

On the one hand, Valdés pointed out that the immigration issue in North America has become more complex than ever before, making policy responses more problematic. For example, he pointed to the tendency for immigration issues to be seen as synonymous to security issues as well as the fact that there are "bilateral structural constraints" hindering the three countries of North America

from co-operating more closely on this issue. He furthermore contended that the governments of the U.S., Canada and Mexico are not at the “same governance pace” and lack trilateral integration.

On the other hand, he argued that governments’ tendency to avoid addressing undocumented migration systematically across North America “has both domestic and international political repercussions.” Valdés also voiced concern about the rising drug trafficking problem in northern Mexico. He pointed out that supranational programs such as the Mérida Initiative have not done well by ignoring the immigration side of the equation, while attempting to promote higher co-operation on security issues.

In terms of policy options that can address the undocumented migration issue, Valdés suggested that the Mexican government lower public expectations about U.S. immigration reform, as current expectations on the Mexican side of the border cannot be met. For both the U.S. government and the Mexican government, he emphasized that a “climate of trust and confidence must be promoted” if progress is to be made on the issue of undocumented migration. In the final analysis, Valdés stated that undocumented migration will only be restricted once push factors are addressed.

Finally, Tamar Jacoby, the president and CEO of ImmigrationWorks USA and a policy advisor to a number of U.S. Senators, presented a strong argument about the need for comprehensive U.S. immigration reform. In order to reduce undocumented migration to the U.S., she called for “a legal migration system that works.”

Firstly, she argued that in economic boom times there will always be a pool of migrants willing to come to the U.S. at great personal risk; when the economy is slow, the numbers of migrants coming to the U.S. illegally will decrease —she cited a 50 per cent fall in the number of Mexicans coming to the U.S. over the past year—, but will not stop altogether. Thus there is the need for immigration reform in both scenarios.

Jacoby provided two strong policy options that the U.S. could adopt in order to deal with the issue of undocumented migrants. Firstly, the U.S. could engage in a costly chase for migrants around the U.S. and deport them to their home countries. Alternately, the U.S. could regularize the 500,000 estimated migrants now living illegally in the U.S.

Other policy tools that the U.S. could utilize include:

- Introducing a “flexible worker program” (with different quotas for boom and bust economies);
- Increasing the cost of hiring foreign workers for employers (to ensure labour shortages are genuine); and
- Facilitating opportunities for temporary residents to become permanent residents.

In closing, Jacoby reiterated that the U.S. population, not unlike its Canadian counterparts, is aging and younger workers are increasingly educated; this is as good a reason as any for maintaining a strong immigrant tradition.

### **III. Managing Undocumented Migration in North America: Panel II**

The second seminar panel entitled “Local and Regional Impacts and Responses” focused on Mexico-U.S. impacts and proposed strategies to deal with undocumented migration between these two countries.

Luis Castañeda, a representative of the Mexican Consulate in Phoenix, discussed the challenges faced to address the needs of Mexican migrants in Arizona. The consulate in Phoenix provides two main types of services to Mexican nationals: 1) document procurement and 2) assistance and support in the form of consular protection. Each day, according to Castañeda, the consulate provides services to 300 to 400 Mexicans, despite a staff of only 34 employees.

In order to address the needs of Mexican migrants in Arizona, the Mexican government has introduced a number of new strategies at its consular offices. In Phoenix, the consulate has begun convening information sessions with its nationals to discuss problems faced by this group and highlight possible solutions, to identify labour rights abuses and provide resources to migrants for assistance. For example, the Mexican Consulate in Arizona has embarked on a health prevention campaign targeting Mexican migrants in partnership with U.S. Public Health Agencies. The campaign provides outreach services for vaccines (such as H1N1 shots), sexually transmitted infection (STI) testing and screening for diabetes and other illnesses. Interestingly, the Mexican government has also supported the creation of a number of “mobile consulates” in the U.S. border region that provide legal advice to migrants in isolated communities.

Next on the panel, Matt Allen, the special agent in charge for Arizona at Immigration and Customs Enforcement (Homeland Security), highlighted the U.S. Department of Homeland Security’s priorities in addressing undocumented migration along its southern border with Mexico.

Allen emphasized the major challenge of dealing with migrants who manage to avoid detection from the 2,000 customs agents at ports of entry and 4,500 border patrol agents along the border between Arizona and Mexico. This stretch of border is referred to as the “the centre of gravity” for undocumented migration, illustrated by the fact that 240,000 undocumented migrants crossed from Mexico into Arizona in 2009.

In response, the U.S. Department of Homeland Security (DHS) funds a large detention and removal program that includes the management of the 3,000 beds in detention centres. DHS’ other priorities include drug smuggling and following the profit chains of illegal activities along the border. There is also some concern

on the part of the U.S. government regarding the border with Canada particularly with respect to marijuana smuggling and criminal network activity.

Allen concluded that unless the issue of illegal migration is addressed, the numerous negative impacts of such movement –economic impact, heightened security responses, and ecological impact– will continue unabated.

Rodolfo Cruz, a research professor with El Colegio de la Frontera Norte in Mexico also shared his remarks on undocumented migration with a focus on the impact on Mexican border towns. For example, the population in Tijuana has grown in pace with the increase in Mexicans attempting to illegally cross the border into the U.S. Individuals from the southern region travel in search of employment, and recently, migrants have come to stay and work in Tijuana rather than to continue on to the U.S.

He also stated that Mexico-U.S. migration flows seem to be on the decline for a number of reasons. First, due to the massive influx of border security agents it has become more expensive and dangerous for migrants to attempt to cross compared to previous years. Second, deportations have become more frequent since 2004 with returning Mexican migrants deciding to stay in border towns in order to make a second attempt. Cruz also pointed out that there is an increase in the number of unaccompanied children in Mexican border towns, stating that 20,000 children were detained at the U.S. border in 2007. As he points out, such issues must be urgently addressed.

In closing, Cruz remarked that immigration reforms are needed on the part of the Mexican government, as well as the U.S., if the problem is going to be addressed effectively.

Doris Marie Provine, a professor at the School of Justice Studies at ASU, also shared some brief comments. Her research team recently concluded a study on police departments' responses to the phenomenon of undocumented migration in Arizona. This came in the context of Washington's recent call for more involvement of police forces in national immigration law enforcement.

Results show that many police departments are still not involved in tracking down migrants who have crossed the border illegally. There are, of course, numerous barriers which impede the police's capacity to respond. These include:

- The perception that immigration is a national government problem and not a local problem;
- Lack of guidance from other levels of government; and
- The prevailing opinion that the number one priority of the police is to deal with criminal activities (not necessarily related to immigration).

Moreover, public opinion on the subject is very polarized. Provine concluded by noting that a recent rise in community policing will be something to watch in Arizona.

Lastly, Evelyn Cruz, a professor at the Sandra Day O'Connor School of Law at ASU, discussed the impact of Arizona's legal system on migrants and immigrant communities. Cruz argued that migrants are often faced with criminal charges because of their (illegal) immigration status without having necessarily committed a felony. According to Cruz, 50 per cent of the migrants are charged based on their immigration status without having committed a violent crime. Furthermore, due process in the judicial system is at risk as immigration status affects the type of rights a person holds. The "social ripple effects" of this phenomenon are already being seen in a state where one quarter of residents are foreign-born. For example, a surprising 35 per cent of U.S.-born Latinos in Arizona fear being deported to Mexico. Cruz concluded that coupled with rising anti-immigrant views, short term outcomes do not look good without further government action.

#### **IV. Moving Forward**

The Metropolis North America Network will be hosting another international conference on migration in early 2011. To view the network research agenda, or for information on upcoming events, please refer to the Metropolis Canada website: <http://canada.metropolis.net/>.

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<sup>1</sup> Metropolis North America's founding partners are the Canadian Foundation for the Americas (FOCAL), The Centre for the Study of North America (CISAN – UNAM), Metropolis Project (CIC), and U.S. Homeland Security (Citizenship and Immigration).

<sup>2</sup> More information about the NACTS research centre can be found by visiting their website at: <http://nacts.asu.edu/about-us>.

<sup>3</sup> The author would like to acknowledge the financial support from Human Resources and Skills Development Canada which made the preparation of this report possible.