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978-1-107-01126-7 - Mexico and Its Diaspora in the United States: Policies of Emigration Since 1848

Alexandra Délano

Excerpt

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Introduction

Engaging the Mexican Diaspora

On May 27, 2009, Mixteca Organization, a community-based organization in Sunset Park, Brooklyn, offered its first Mixteca Diaspora Awards to four “courageous leaders” that have “worked to create a lasting foundation for the success and growth of the Mexican Latin American immigrant community.”¹ Although the word “diaspora” is rarely used by Mexican migrants and community organizations, or by the Mexican government, which normally favors the term “Mexican communities abroad,” for Dr. Gabriel Rincón, founder and president of Mixteca Organization, this is a “real term” that describes the suffering of Mexican migrants and the reasons behind this “forced migration” (personal interview, 2009). In his view, the use of the term “diaspora” in the Mexican case reflects the experience of traditional diasporas: “Even if Mexican migration is explained more by economic than political causes, these are just as meaningful as the Jewish experience in the sense that there is a great deal of suffering in the process of crossing the border, in leaving their families behind, in the conditions of poverty that exist in Mexico and force them to leave, and in their inability to go back home” (personal interview, 2009). Dr. Rincón, a first-generation Mexican immigrant, recognizes that the Mexican community in general does not identify with the term “diaspora” and in most cases its members do not understand what

¹ The honorees were Ambassador Rubén Beltrán, Consul General of Mexico in New York; Vice Chancellor Jay Hershenson of the City University of New York (CUNY); Jaime Lucero, President of Casa Puebla New York; and Adriana Rocha, Practice Director of CompassPoint Nonprofit Services (information obtained from Mixteca Diaspora Awards flyer, May 27, 2009).

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it means. Still, he argues, for those who do know what the term means, it makes sense.

Whether or not the approximately 31 million Mexicans and Mexican Americans currently in the United States, or some groups among them, can be considered part of a diaspora is still a matter of debate, given the diversity within the community and its varying relationships with the home country. In the academic literature the use of the term in reference to Mexican emigration varies, with some authors favoring its broader use and others making a point about not using it for this case.² Even though some government officials and the Institute of Mexicans Abroad (IME, in Spanish) do refer to the “Mexican diaspora” as such, in the Mexican government’s discourse, the term “Mexican communities abroad” prevails. This can be explained as an explicit resistance to using the term “diaspora” because of its historical and political roots in relation to the Jewish or Armenian experiences, or the idea that “diaspora” might imply a more permanent migration, which until the late 1980s was not considered to be characteristic of Mexican migration. It could also be explained simply as a general preference for continuing to use the term “Mexican communities abroad,” which can be more easily understood and create a broader identification for Mexican migrants.

For example, Jorge G. Castañeda, former Secretary of Foreign Affairs (2000–2003), describes the IME, designed under his administration, as “the latest in a series of programs or institutions created by the Mexican government as a link with the diaspora, or what it likes to think of as a diaspora” (Castañeda, 2007: 157). In a personal interview he explained in greater detail that he does not agree with using this term: “I do not believe in the diaspora or in the idea of a Mexican lobby similar to the Jewish lobby. Rather, we should equip Mexican migrants with the tools

² From an academic perspective the use of the term “diaspora” to describe the Mexican experience corresponds with the criteria set by authors such as Sheffer (1986), Shain and Barth (2003), and Cohen (2008), among others, in an attempt to widen this notion and provide a more nuanced understanding of migrants’ relationships with their homeland. In response to critiques that the term is now too broad and risks being devoid of any real meaning (Brubaker, 2005), a number of authors have established certain criteria to establish whether a group can be designated as a diaspora, mostly coinciding with the premise that a dispersed population’s identification with a real or imagined homeland and maintenance of emotional or social ties with it is a key feature of a diaspora. Reflecting the variety of experiences within the diaspora, the divisions within it, and the fact that not all members are active in the same way, the use of the term even in these broader terms recognizes that “not all migrants will cohere into communities and not all migrant communities will imagine themselves as transnational.” Thus the term “diaspora” is not a synonym for all migrants (Cohen, 2008: 13).

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to organize on their own to defend their rights, to have an institution of their own – the Institute of Mexicans Abroad – but not necessarily to be a political influence in the U.S. on Mexico’s behalf” (personal interview, 2009). There is a sense in these statements that by using the term “diaspora” there is a negative implication that the Mexican government is influencing the development of a lobby group and that the lack of clarity in the use of concepts such as this can lead to misperceptions of the Mexican government’s activities in the United States.

In contrast to this view, the Mexican Ambassador to the United States, Arturo Sarukhan, favors the use of the term “diaspora,” arguing that it represents a move away from the clientelist relationship that existed through the so-called *Comunidades* approach of the 1990s. From his perspective, the use of the term “diaspora” embodies the idea of building a mutually beneficial relationship (personal interview, 2009). Ambassador Enrique Berruga, former Undersecretary for North America (2000–2003), disagrees with the use of the term “diaspora” in the Mexican case, given its connotations with regard to situations of repression, but his explanation for the rationale behind the government’s establishment of the IME and its Advisory Council reinforces this idea of the government’s interest in developing new types of relationships with Mexican migrants in the United States and changing the language and symbols that inform this relationship: “We needed a more updated institution. We needed to interact with migrant leaders in a non-paternalistic way. They are the ones who know how things work over there. . . . And in a context of democratization in Mexico we also needed to democratize our institutions and provide a space for a more active and participatory society” (personal interview, 2010).

The use of the term “diaspora” might seem to be a minor and petty detail in the bigger picture of Mexican migrants’ needs in the United States and the government’s efforts to respond to them. However, the choice of terms and the language used in the definition of objectives and interactions with Mexican migrants is important because it reflects the continuing struggle within the Mexican state to define its position on emigration. It shows the legacies of a historical ambivalence and in some cases indifference with regard to emigration in the Mexican government’s recent attempts to respond to the growth and development of Mexican migration and Mexican migrant organizations in the United States. The language of “Mexican communities abroad” as opposed to “Mexican diaspora” also captures the diversity of Mexican migrants and their organizations in terms of their legal status, their interest in maintaining ties

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with Mexico, their transnational activities, their state or region of origin, and the fact that until very recently they have not acted as a unified bloc with common goals, either in relation to their political objectives in Mexico or the United States. This book shows how the Mexican government has changed its discourse and policy in relation to Mexican emigrants since the late 1980s, and has since then played a key role in providing services to promote the rights of this population beyond consular protection activities and developing relationships with migrant leaders and their organizations, all within the context of perceived or real limits and opportunities offered by the bilateral relationship with the United States.

In this work I choose to use the term “Mexican diaspora” to reflect characteristics of the Mexican experience that are sometimes overlooked, including the historical roots of this migration and the complex transnational identities and relationships that migrants and their organizations have developed with their home country. The discussion of the term “diaspora” in the Mexican case is also useful as a window into the government’s process of redefinition of what Mexican emigration represents for the country and how it engages with this population. Finally, the reference to Mexican migrants as being part of a diaspora also places this discussion within the larger framework of the debate about diasporas and development. In the Mexican case, the influence of migrants in the country’s development, through remittances and investments in communities of origin, is one of the factors that has influenced a change in the government’s discourse and response to the needs and demands of this population, as has been the case in a number of migrant-sending states³ and in the international community.

This book analyzes how the Mexican state has shaped its objectives and interests regarding emigration and its relationship with the diaspora, and how transformations in the dynamic of the United States–Mexico bilateral relationship since the 1980s have influenced changes in this policy

³ Barry (2006: 13–14, n. 5) argues that the terms “sending state” and “host state” are misleading “and reflect and reinforce policy positions in the North that developed *receiving* countries neither generate nor facilitate migrant flows.” She also claims that these terms imply that sending states are passive and host states are active. Gamlen (2006) has also pointed out the need to debunk the myths of sending states as poor, disinterested, southern states: Sending states are not necessarily “responding to inferior positions in the asymmetrical world system” and neither are receiving states solely developed countries. Without disregarding these nuances, in this study, I use the common terminology of “sending state,” “homeland,” and “country of origin,” as well as “host state,” “country of destination,” or “receiving state.”

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area.⁴ I focus particularly on the evolution of Mexican emigration policies from a position of limited engagement to a more active relationship with Mexican nationals in the United States and more direct responses to U.S. policies and legislation, as well as closer contacts with the U.S. government regarding the management of migratory flows, particularly since the 1990s.

I argue that these changes are not only a result of the growth of the Mexican migrant population and its increasing political and economic influence in Mexico in a context of democratization, as most studies have suggested (Sherman, 1999; Shain, 1999–2000; Martínez Saldaña, 2003; Smith, 2003b). Rather, these developments and policy shifts also need to be understood as a result of closer economic integration between the countries, which gave way to a new interpretation of Mexico's relations with the United States and a reevaluation of the scope and limits of the foreign policy principle of nonintervention and the strategy of "delinkage"⁵ in this issue area, an aspect that has not been thoroughly explored in the existing literature and continues to shape Mexico's emigration policies.⁶ The process of economic liberalization beginning in the 1980s and the

⁴ By emphasizing the study of Mexico's emigration policies I focus on policies involving the Mexican population living abroad, including the state's position on emigration flows – whether it promotes them, restricts them, or is indifferent – and its policies regarding the protection of migrants and promotion of relations with the diaspora. With limited exceptions, this study excludes the analysis of Mexican policies and legislation on immigration to the country, and its management of flows in its southern border; this is a topic of increasing concern addressed in works such as Castillo (2006); Castillo and Toussaint (2009, 2010); and Amnesty International (2010).

⁵ Given the complexity and disparity of interests on each issue, both Mexico and the United States have generally been reluctant to link issues in the bilateral agenda. For Mexico, linking issues is generally perceived as a bargaining game in which it would end up as the loser or produce adverse effects in other areas. An example of this is Mexico's reluctance to use oil resources as a bargaining instrument. Thus, Mexico usually prefers maintaining the "disadvantageous but nonetheless familiar" status quo. For both countries, "preserving the relationship [takes] precedence over resolving the issues" (Ronfeldt and Sereseres, 1983: 88–89).

⁶ Hernández-López (2008) recently published a legal analysis of the changes in Mexico's interpretation of the principle of nonintervention in migration issues. The author's argument differs from mine in its claim that the transnational impact of migration has been the main factor influencing changes in Mexico's conception of sovereignty and therefore its interpretation of the constitutional foreign policy principles. Although I recognize the importance of the transnational impact of migration as well as domestic factors that have influenced this process of change, I argue that the developments in the bilateral relationship are key in the gradual transformation of Mexico's perception of limits and possibilities regarding emigration policies, which is tied to a reinterpretation of the non-intervention principle.

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institutionalization of Mexico–United States cooperation on commercial and financial issues, particularly through the North American Free Trade Agreement (NAFTA), implied a learning process that resulted in key changes in Mexico’s approach to the bilateral relationship. In many cases, this led to more proactive policies for promoting Mexico’s interests in the United States and to the development of new mechanisms for collaboration with the U.S. government rather than using the discourse of vulnerability in the asymmetrical relationship as an excuse for limited action on sensitive issues, such as migration.

I explore the significance of the United States–Mexico bilateral relationship not only as part of the context in which policies are designed, but as a key factor that has shaped the sending state’s responses to emigration and has varied over time. Through a historical review it is clear that Mexico’s emigration policies have developed not only in response to political and economic changes at the domestic and transnational levels but also in relation to foreign policy principles and interests, mainly in relation to the United States. Thus, the Mexican state’s consideration of the limits and possibilities for developing activities related to emigrants are not only determined by pressures and interests inside the state, but also by how it measures the consequences of a certain policy (or nonpolicy) with regard to a potential reaction from the U.S. government. This analysis shows that the sending state’s activities vis-à-vis the diaspora and its responses to the host state’s policies are not predetermined by a structure of power asymmetry such as the one present in the United States–Mexico relationship; the perceptions of what is acceptable or not within this structure have varied as a result of changes at the domestic, transnational, and bilateral levels.

SENDING STATES’ INTERESTS

Conventional wisdom is that most sending states are disinterested in establishing relationships with their diasporas, that states concerned with emigration are abnormal, or that sending states are unable to pursue their objectives and interests regarding emigration as a result of their generally weaker position in the international system (Schmitter-Heisler, 1985; Gamlen, 2006). However, there is increasingly solid evidence that a growing number of sending states, in both the developed and developing world, have established more forms of contact with their diasporas and have gradually sought to engage them in domestic economic and political

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life (Østergaard-Nielsen, 2003; Koslowski, 2005; Brand, 2006; Gamlen, 2006; González Gutiérrez, 2006c, 2006d; Brinkerhoff, 2008; Agunias, 2009; Iskander, 2010). To varying degrees, many sending states implement policies to control emigration, offer consular protection and services for their emigrants in the host country, or grant political rights and economic incentives in their country of origin.

In part, the rising interest of states in managing emigration and engaging with their diasporas is due to the growth of emigration as well as the increasing impact of transnational relations between emigrants and their homelands, facilitated by the technological revolution in communication and transportation systems.⁷ Many sending states are increasingly dependent on emigration as an economic or political safety valve or as a generator of foreign currency and political support abroad (Guarnizo, 1998: 46). Some countries also see emigrants as potential ambassadors for promoting economic and political relations with other countries (Levitt and de la Dehesa, 2003: 599). In addition, in a context of globalization, economic integration, and the proliferation of a human rights regime, international and domestic pressures are building up on liberal states to find new and creative ways to manage emigration, both through national policies and through cooperation with other countries.⁸ As Hollifield

⁷ The technological revolution in communications and transportation systems in recent decades is considered one of the main factors that has strengthened transnational social networks created by migrants by facilitating “faster, more frequent, and more intensive interaction” between the home community and the host state. However, as Fitzgerald (2006b: n. 35) points out, some skeptics argue that previously existing technologies already enabled long-distance ties. The main difference is that the current technological innovations have considerably reduced the costs of these services, leading to widespread access. Nonetheless, Fitzgerald signals that a quantitative shift does not necessarily have a qualitative effect. He raises the question of “the *extent* to which a basket of communication and transportation technologies alters migrants’ ties between source and destination countries,” and emphasizes the need for a systematic historical approach to research in this issue area.

⁸ It is worth noting that there have been recent efforts to encourage the development of common rules and practices regarding international migration, such as the United Nations’ (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the General Assembly on December 18, 1990 (A/RES/45/158) and entered into force on July 1, 2003. However, by November 2010, this convention only had thirty-one signatories and forty-four parties, which are mainly migrant sending countries (see http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg_no=IV-13&chapter=4&lang=en, last viewed on November 27, 2010). Another example of these efforts is the report issued in 2005 by the Global Commission on International Migration (2005; see Bhagwati, 2005 and Newland, 2005 for responses to the report). In September of 2006, the UN hosted the

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(2004: 901–902) states, “if rights are ignored or trampled upon, then the liberal state risks undermining its own legitimacy and *raison d’être*.”

As evidence of sending states’ growing interest in managing emigration and their relationships with the diaspora, one of the main innovations in their approach to the issue is the development of formal mechanisms, such as constitutional reforms and institutions to manage state–diaspora relations and to respond to the causes and consequences of emigration (Guarnizo, 1998; Itzigsohn, 2000; Fitzgerald, 2006b; Agunias, 2009). This is due, in part, to the fact that sending states increasingly realize that they cannot extract obligations from the diaspora without extending rights (Gamlen, 2006: 13).

In general, states are more willing to extend economic rights than political rights because of the conflicting interests regarding the political influence of emigrants in their home country. For example, in the case of voting rights, some political actors may consider it more costly than others, given the size or the political orientation of the émigré community, although most agree on the benefits of providing economic incentives for emigrants’ investments in the home country or of facilitating the transfer of remittances. Comparative analyses across different countries, such as those by Agunias (2009), Levitt and de la Dehesa (2003), and Gamlen (2006), provide evidence to support the view that “emigrant–state relations are not new, but nor are they inevitable” and just as some states may be interested in controlling emigrants or giving them incentives to maintain a relationship with the home state, others may denounce them and cut any ties with them (Barry, 2006: 14, n. 7).⁹

High-Level Dialogue on International Migration and Development during the 61st Session of the General Assembly. The meeting brought together representatives of 130 countries, as well as UN and IOM (International Organization for Migration) officials to discuss these issues; it also included a previous period of consultations (in July of 2006) with NGOs, civil society, and the private sector. The main result of this meeting was the organization of the Global Forum on Migration and Development, which was held in Brussels in 2007, in the Philippines in 2008, in Athens in 2009, and in Mexico in 2010. Still, these efforts toward multilateral cooperation are considered by some as “all talk and no action,” because few formal agreements, particularly involving host countries, result from existing dialogue (Migration Information Source, 2006).

⁹ Levitt and Glick-Schiller (2004: 1023–1024) identify three different types of sending states on the basis of their relationship with their emigrants: transnational nation-states, strategically selective states, and disinterested and denouncing states. Gamlen (2006: 21) suggests a similar typology of states that use diaspora engagement policies based on three preliminary categories: exploitative states, which extract obligations without extending rights; generous states, which extend rights without extracting obligations; and engaged states, which both extract obligations and extend rights.

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Emigration policies and relationships between states and diasporas are dynamic and vary across time according to a wide range of factors involving the sending state, the host state, and the diaspora. Evidence from comparative studies supports the observation made by Gamlen (2006: 4) that diaspora engagement policies are not part of a “unitary, coordinated state strategy” but “form a constellation of institutional and legislative arrangements and programs that come into being at different times, for different reasons, and operate across different timescales at different levels within home-states.” This furthers the argument made by Shain (1999–2000: 662) that states’ positions on these issues are in constant flux, depending on the characteristics of the diaspora and its general attitude toward the home regime, the political nature of this regime, official and societal perceptions of emigration, reliance on the economic investments of diaspora members and emigrant remittances, the political role assigned by the government (or its opposition) to the voice of the diaspora in domestic or international affairs of the country, and citizenship laws, among other factors.

In this sense, Fitzgerald (2006a: 286) emphasizes the need to examine migration policies from a neopluralist perspective, given the “multiplicity of interests that are subject to contestation within the institutional arena of the state.” In his view, it is necessary to take into account inputs from domestic and foreign actors as well as “the multiple outputs that can take the form of various and even contradictory policies at different levels of government and across localities.” In support of this argument, he presents evidence about local governments’ opposition to the Mexican state’s federal policies to control emigration in different periods (Fitzgerald, 2009). Thus, he argues that realist assumptions of sending states following “their” interests are inadequate frames for studying policies related to the management of migration.

Notwithstanding the importance of the study of varying and diverging interests within the state regarding emigration, as noted by Calavita (1992) and Boswell (2007), particularly regarding the *liberal* state, in my analysis of the Mexican case I identify the interests of the government elite at the federal level as key factors determining state policies. Despite some local authorities’ opposition to the federal government’s stated objective of controlling emigration and providing incentives for emigrants to return to the country (particularly during the first half of the twentieth century), which Fitzgerald (2006a, 2009) documents, the Mexican state still generally achieved its overarching implicit objective of maintaining a safety valve to economic and political problems in the country, as well as

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preventing disputes with the United States. Although more actors within Mexico are now involved in the debate over policies in this issue area at the federal, state, and local levels, particularly in a context of democratization and decentralization since the late 1980s, Mexico's policies toward emigrants are still mainly decided by the government elite, particularly the Executive and the Foreign Ministry. In the Mexican case, the history of centralism and presidentialism that characterized Mexican politics for many decades continues to be a key explanatory factor of Mexico's foreign policies, including emigration: "Mexico's new foreign policy continues to be guided by state interests and is still molded by the presidents' preferences and will" (Domínguez, 2000: 322).

A MULTILEVEL ANALYSIS

The reasons why states vary with respect to the degree to which they extend rights, the kind of ideology and rhetoric used in relation to emigrants, and the policies or programs that they pursue to control or manage emigration can be explained by domestic, transnational, and international factors. At the domestic level, states have economic and political interests with regard to their emigrant population. Emigrants may be considered a safety valve to economic problems such as unemployment, which may lead to lax control of the borders and limited promotion of their return. In some cases, they may also benefit from emigration as a safety valve to political opposition at home. The characteristics of the regime (democratic or authoritarian) and ideological factors such as nationalism also influence the type of engagement with diasporas and emigration policies.

At the transnational level, states may develop certain types of relationships with the diaspora to control political dissidence abroad, to legitimize the government, or to promote the government's image abroad. States may be interested in engaging with diasporas to guarantee the flows of remittances, promote the transfer of technology and skills that emigrants acquire abroad, or promote their investments in the home country. Other nonstate actors, such as political parties, may also establish relationships with the diaspora to obtain their financial or political support. Finally, the size and organizational capacity of the emigrant community may determine the state's interests in responding to its needs or demands.

At the international level, states' policies may be influenced by their geopolitical position and their relationship with the host state or states. For example, Østergaard-Nielsen (2003: 25) emphasizes the need to explore whether "former colonial/metropolitan links or current