

Unintended Consequences

Considering Mexico's Stability when Designing U.S. Immigration Reform

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Despite its many positive effects, U.S. comprehensive immigration reform has the potential to unintentionally undermine Mexico's long-term stability by increasing middle-class Mexican immigration to the United States. As current and future technocrats, entrepreneurs, and skilled laborers seek safety and prosperity in the United States, they will create a leadership deficit in a society struggling to enact its own institutional reforms. This brain drain also will limit job creation in Mexico. Moreover, middle-class migrants are less likely to send remittances, contrary to the expectations of the Mexican government. This paper highlights the potential effects of proposed immigration reforms on Mexico's political and economic stability so that policymakers can take these factors into account when formulating and responding to changes in U.S. immigration policy.

Introduction

Debates about U.S. comprehensive immigration reform tend to overlook the consequences for Mexico, even though it is the country of origin for the largest group of immigrants to the United States. Proposed reforms would make it easier for Mexican professionals to seek educational and employment opportunities in the United States. The resulting brain drain would hurt Mexico's weak institutions and economy, for which their remittances cannot compensate.¹ Although proposed reform would strengthen the U.S. economy and increase border security, the costs of an unstable Mexico could diminish these benefits over time. To strengthen reform and make it sustainable, U.S. policymakers should take the potential for increased instability in Mexico into account as one factor to consider when designing immigration reform. Such consideration will increase reform's long-term efficacy, by acknowledging Mexico's role as a valued U.S. partner.

The Effect of Instability in Mexico on U.S. Security

Stability and security in Mexico are indispensable to building a strong economic partnership, fighting the illicit drug and arms trade, and promoting sound immigration policy.

— National Security Strategy, 2010²

Mexico's instability negatively affects U.S. security. First, the growing presence of Mexico's drug trafficking organizations (hereafter, "drug cartels") in the United States could lead to spillover violence.³ Second, Mexico's insecurity undermines bilateral trade and other business opportunities contributing to U.S. economic growth. Third, the expansion of Mexican drug cartels into Central America could destabilize the region, presenting the United States with additional economic and security challenges.

Possible Spillover Violence

The violence that has overwhelmed Mexico could cross into the United States as drug cartels extend their U.S. distribution networks and encourage corruption among U.S. public officials.

- *High levels of drug-related violence in Mexico.* Under Mexican President Felipe Calderón's 2006-2012 administration, violence escalated as the Mexican government targeted drug cartels' leaders.⁴ This government crackdown inadvertently led to the proliferation of drug cartels, with the creation of 60 to 80 new ones since 2006.⁵ As a result, violence has intensified. President Calderón's *procuraduría general de la república*, attorney general, reported 47,515 deaths from drug-related violence between 2006 and September 2011.⁶ Mexico's current *Secretario de Gobernación*, Secretary of the Interior, Miguel Ángel Osorio Chong announced in February 2013 that there had been 70,000 such deaths.⁷ Three of the world's top 10 highest homicide rates were in Mexican cities in 2012.⁸ Many other victims of violence have disappeared. Secretary Osorio Chong has estimated that 27,000 people have disappeared because of organized crime.⁹

In some areas, drug-related violence may be diminishing.¹⁰ Secretary Osorio Chong announced in April 2013 that murders associated with organized crime decreased by 17 percent between the last 4 months of President Calderón's administration and the first 4 months of Mexican President Enrique Peña Nieto's term.¹¹ Even in Ciudad Juárez, one of Mexico's most violent cities, the murder rate has dropped by almost 80 percent since 2010.¹² Yet, overall levels of violence remain high and potentially destabilizing.

- *Violence destabilizing Mexico.* Pervasive violence limits citizens' ability to live without fear. The 2011 Survey on Public Safety and Governance in Mexico found that over 80 percent of Mexican citizens fear crimes ranging from phone extortion to kidnapping.¹³ Organized crime infiltrates their neighborhoods. In a 2011 Gallup poll, 46 percent of Mexicans reported gang presence in their neighborhoods.¹⁴ This survey also found that 56 percent of Mexicans do not feel safe walking alone at night where they live.¹⁵ Some citizens change their daily routines (e.g., fewer nights out or carrying less cash), even when violence levels are relatively low.¹⁶ Moderate violence levels decrease the likelihood of high school graduation by more than five percent and college attendance by almost seven percent, thereby decreasing long-term income levels and productivity.¹⁷

Such fears also compel institutional changes. For security reasons, Mexico's current *procuraduría general de la república*, attorney general, announced that the Mexican government will delay releasing information about the number and operations of drug cartels for 12 years.¹⁸ The Mexican media has resorted to self-censorship because of bribes, threats, and attacks from drug cartels intent on manipulating reports on their criminal activities.¹⁹ As a result, Freedom House downgraded Mexico's press to "not free" in 2011.²⁰ In March 2013, the Coahuila-based newspaper *Zócalo Saltillo* declared it would stop publishing news about drug cartels, to protect newspaper employees and their families.²¹ The extent of drug cartels' power should concern U.S. and Mexican officials.

- *Increased presence of Mexican drug cartels in the United States.* Some debate exists as to whether Mexico's drug-related violence increases violent crime in the United States.²² Nonetheless, Mexican drug traffickers are expanding their U.S. operations, thereby increasing the potential for spillover violence.²³ In its 2011 *National Drug Threat Assessment*, the U.S. Department of Justice National Drug Intelligence Center reported that U.S. gangs and Mexican drug cartels increasingly collaborate in moving drugs into and within the United States.²⁴ By February 2013, Mexican illegal drug distribution networks had spread to at least 1,286 U.S. cities—up from 230 cities in 2008.²⁵ In April 2013, the Associated Press reported that Mexican drug cartels increasingly deploy agents to the United States, including to middle-class suburbs in nine non-border states.²⁶ Most drug cartel operatives covertly cross the vulnerable U.S.-Mexican border.²⁷ In fiscal year (FY) 2010, U.S. Border Patrol controlled only 44 percent of the U.S.-Mexican border.²⁸
- *Indications of increased corruption along the U.S.-Mexico border.* Though still limited, corruption along the U.S.-Mexico border has recently increased. In 2003, the U.S. Department of Homeland Security (DHS) investigated 31 internal cases of corruption in U.S. states bordering Mexico; by 2007, it had 79 such cases.²⁹ In February 2013, DHS reported that 67 percent of corrupt U.S. agents were stationed close to the U.S.-Mexico border.³⁰ Moreover, Mexican drug cartels have attempted to directly infiltrate U.S. Customs and Border Protection on at least 15 occasions.³¹

Mexico's drug traffickers have gained significant traction domestically and internationally, in spite of the Mexican government's efforts to thwart them. Their increasing influence could harm formal U.S.-Mexican economic ties.

Potential for Deteriorating U.S.-Mexico Economic Ties

By inviting Mexico to join the Trans-Pacific Partnership, U.S. President Barack Obama has demonstrated a preference for further U.S.-Mexican economic integration.³² The North American Free Trade Agreement (NAFTA) exemplified this trend. U.S. trade with Mexico has increased six-fold since the 1994 enactment of NAFTA.³³ Mexico is poised to replace China as the United States' second-largest trading partner.³⁴ Mexico depends on this relationship for its economic growth. Thirty-two percent of Mexico's GDP came from exports in 2011, and 78 percent of Mexico's exports went to the United States.³⁵ Though a net importer of goods from Mexico, the United States also relies on its exports to support its economy.³⁶ In 2011, 17 U.S. states sent more than 10 percent of their exports to Mexico.³⁷ Texas, the largest exporter to Mexico among these U.S. states, sends 34.8 percent of its exports to Mexico.³⁸ Six million U.S. jobs are directly or indirectly supported by U.S. exports to Mexico.³⁹

These trade relations depend on Mexico's relative stability. Spillover violence likely would force the United States to heighten security at its border checkpoints. Such an increase would raise the costs of cross-border trade, which could lead to diminished trade as companies relocate production to lower costs. Worsening trade relations could lead to fewer opportunities for Mexicans in the formal economy, thereby forcing them to seek employment in the drug trade.

Further Destabilization of U.S. Allies in Central America

Mexican drug cartels have expanded their operations in Central America, as a key part of their efforts to spread their influence internationally.⁴⁰ Central America's weak institutions and limited resources make the region particularly vulnerable to drug violence.⁴¹ Drug cartels' expansion has worsened regional socioeconomic conditions because the cartels often pay locals in drugs rather than cash.⁴² Moreover, drug-related violence costs Central America approximately eight percent of the region's annual GDP.⁴³ The costs of organized crime are not only economic. Honduras has the world's highest per capita homicide rate, in part because of increased gang violence.⁴⁴ As a result, Central America is experiencing massive emigration. Two of the fastest growing undocumented immigrant populations in the United States are from Honduras and Guatemala.⁴⁵

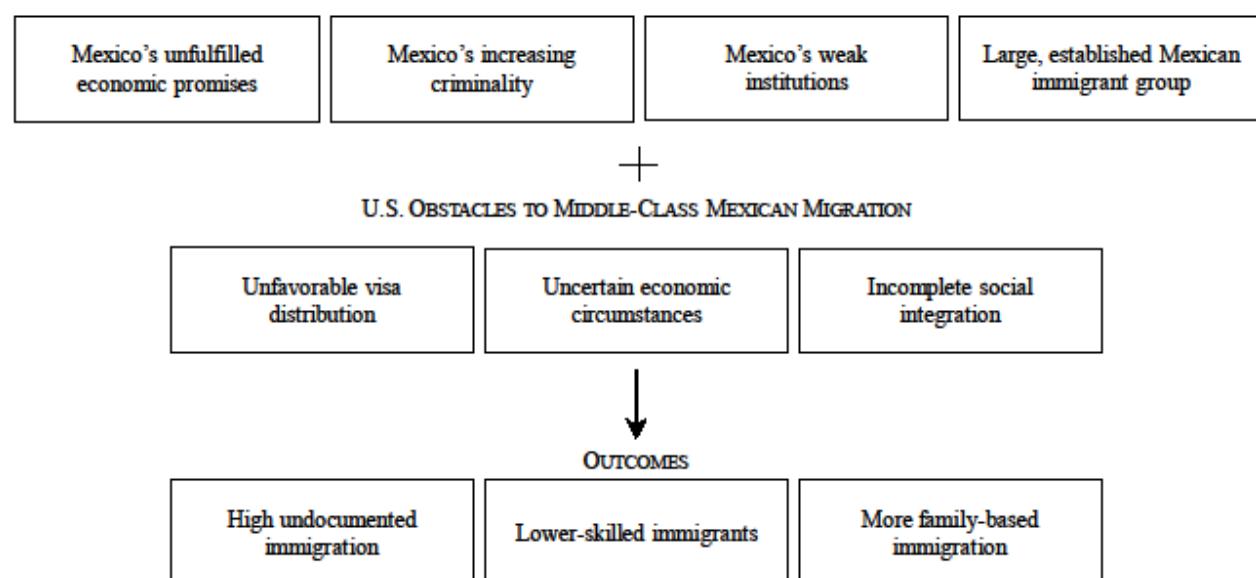
If Mexico's instability worsens, it could lead to increased violence and corruption crossing into the United States, which would negatively affect U.S.-Mexico economic ties. Furthermore, Mexico's increasing unrest could allow organized crime to further expand in Central America.

Motivators of Mexican Immigration

U.S. immigration reform could particularly affect Mexican immigrants. Mexico's underperforming economy, persistent insecurity, and weak institutions would encourage middle-class Mexican emigration, especially with reforms that mitigate obstacles to their long-term stay in the United States.⁴⁶ Mexican immigrants who seek an established community through which to build their new lives benefit from the large size of this group. See Figure 1.

Figure 1: Current Mexican Migration

MOTIVATORS OF MEXICAN MIGRATION



Mexico's Unfulfilled Economic Promises

A tight U.S. job market has discouraged immigration, but the United States, overall, still offers middle-class Mexicans better economic opportunities than Mexico.

- *Mexico's tentative economic gains.* Mexico is Latin America's second-largest economy and will likely become the world's eighth largest economy by 2030, but it is still recovering from its GDP contracting 6.6 percent in 2009.⁴⁷ In 2010 and 2011, the Mexican economy grew at a faster rate than the U.S. economy, but other economic indicators lagged.⁴⁸ While U.S. GDP per capita was \$47,190 in 2011, Mexico's was 64 percent lower, at \$17,040.⁴⁹ Drug cartels hinder Mexico's economic development. Mexico's drug-related violence decreases its GDP growth by at least one percent, according to its finance ministry, the *Secretaría de Hacienda y Crédito Público*.⁵⁰
- *Growing Mexican middle class, yet high income inequality and low wages.* Fifty-three percent of Mexicans consider themselves as members of the middle class.⁵¹ Between 2000 and 2010, 17 percent of Mexicans joined the middle class, and President Peña Nieto has pledged to bring another 15 million citizens out of poverty.⁵² Though the middle class is growing, many Mexicans remain impoverished.

From 2000 to 2010, Mexico experienced the second-largest decrease in income inequality among Latin American states, but high economic inequality persists.⁵³ When separated by income level, the bottom 10 percent of Mexico's population earns 1.3 percent of the total income, whereas the top 10 percent earns 36 percent.⁵⁴ About 46.2 percent of Mexicans live in poverty, according to the *Consejo Nacional de Evaluación de la Política de Desarrollo Social*, the Mexican government's social policy evaluation agency.⁵⁵ Forty to fifty percent of Mexicans work in the informal or illicit economy, which accounts for 30 to 50 percent of Mexico's GDP.⁵⁶ Although Mexico's 2012 unemployment rate of 4.5 percent is relatively low compared to its international peers, about 11 percent of Mexicans are under-employed and cannot survive on low wages.⁵⁷

Mexico has shown some signs of economic progress in recent years, but the United States still remains a safer source of economic opportunities for those who can attain them.

Mexico's Increasing Criminality

Sixty-nine percent of Mexicans agree that crime is "very much" a threat to Mexico's future.⁵⁸ Despite increasing crime, there has not been a proportional increase in law enforcement efforts. This lack of response is partly due to the Mexican population's distrust of the police. Only 12 percent of crimes are reported, and, from that, only 8 percent of crimes are investigated.⁵⁹

- *Widespread homicide, extortion, robbery, and kidnapping.* A variety of crimes increasingly take place in Mexico. Homicides tripled between 2007 and 2011, from fewer than 9,000 to more than 27,000.⁶⁰ From 2005 to 2012, robbery in Mexico increased by 45

percent.⁶¹ Reported extortion tripled between 2004 and 2011.⁶² Still, more than 80 percent of extortion cases go unreported, according to the think tank *México Evalúa*.⁶³

Kidnappings are increasingly common in Mexico. From 2005 to 2012, reported kidnappings in Mexico increased by 300 percent.⁶⁴ In 2008, the Mexican newspaper *Milenio* reported that business executives comprised only about 12.5 percent of victims, whereas about half are from the middle or working classes.⁶⁵ Some Mexican officials argue that the high number of abductions demonstrates criminals' desperation.⁶⁶ Area experts counter that the degree of planning and territorial control required to execute these abductions demonstrates drug cartels' growing influence.⁶⁷ Studies show citizens' sense of security and cities' economies suffer more from kidnappings than murders.⁶⁸

- *Economic costs of increased criminality.* Presently, the drug trade employs at least 500,000 people and constitutes 3 to 4 percent of Mexico's annual GDP.⁶⁹ In 2009, the costs of Mexico's insecurity totaled \$78 billion, about 8.9 percent of its GDP.⁷⁰ Mexico spent \$15.5 billion in public revenue on security measures in 2010.⁷¹ Such government spending diverts funding from other needed programs.⁷² If the homicide rate would grow 10 percent slower, Mexico's per capita GDP would increase by 1.1 percent.⁷³

Increasing criminality not only decreases Mexicans' safety in the short term, but also diminishes their potential economic success in the long term.

Mexico's Weak Institutions

Mexicans distrust public institutions because of their corruption and ineffectiveness. Mexico is ranked 105th on Transparency International's annual Corruption Perception Index.⁷⁴ Lack of social trust undermines the Mexican government's reforms. This lack of confidence hinders Mexico's development into a stable, economically viable democracy.

- *Corrupt politics undermining institutional reform.* Under the decades-long rule of the *Partido Revolucionario Institucional* (PRI), many Mexican politicians accepted bribes from drug cartels in exchange for distribution rights, market access, and protection.⁷⁵ Charting a new course, President Peña Nieto has asserted that the new PRI will neither cut deals with drug traffickers, nor continue President Calderón's tactics.⁷⁶ Moreover, President Peña Nieto has announced a series of reforms in labor, taxation, energy, and Social Security to improve economic growth.⁷⁷ However, to implement these reforms, President Peña Nieto would need significant political capital that he may not have, as he only won 38 percent of the vote in the 2012 presidential election.⁷⁸
- *Security services' perceived complicity in drug-related violence.* The Mexican government competes with drug cartels for government officials' allegiance. More than 400 corrupt Mexican police officers and investigators have been terminated as of July 2011.⁷⁹ The Mexican Senate's Public Security Committee reported in 2011 that drug cartels offer state and local police an average of 233 pesos per day—about 10 times that

which the state pays—to look the other way.⁸⁰ Accordingly, 40 percent of Mexican citizens reported little or no trust in the Mexican police, in an August 2012 poll.⁸¹

To counter the police's deficiencies, President Calderón had deployed more than 50,000 troops, yet the military's own corruption and limited resources reduced their efficacy.⁸² In addition, a militarized Mexican police force has violated human rights. In its February 2013 profile of 250 disappearances during President Calderón's administration, Human Rights Watch revealed that Mexican security forces were involved in 149 of these cases.⁸³ Responding to the police's and military's ineffectiveness, President Peña Nieto plans to form a civilian-controlled but military-trained *gendarmerie*.⁸⁴

There are signs of law enforcement reform, but Mexico will need extensive resources and time for reform to take full effect. Since FY 2008, the U.S.-sponsored, \$1.6 billion Mérida Initiative mainly provided equipment to law enforcement.⁸⁵ Recently, the program has provided more support for reforming Mexico's criminal justice system.⁸⁶ In 2008, Mexico's Congress started this process by passing judicial reform legislation that by 2016 aims to establish open, accusatory-style oral trials that increase accountability and due process.⁸⁷ Nevertheless, in 2010, the Trans-Border Institute noted only one to two percent of reported crimes result in criminal sentences.⁸⁸

- *Inadequate education weakening future governance.* President Peña Nieto has made educational reform a priority for his administration. In February 2013, President Peña Nieto enacted legislation that will transfer power over hiring and firing teachers from the teachers union, *Sindicato Nacional de Trabajadores de la Educación* (SNTE), to the Mexican state.⁸⁹ The Mexican government also arrested SNTE leader Elba Esther Gordillo for allegedly embezzling \$200 million.⁹⁰

Nevertheless, Mexico needs swift and significant educational reform to foster public- and private-sector leadership needed to develop Mexico's other weak institutions. About \$150 million in taxpayer money pays for 22,000 unoccupied union posts, and retiring teachers often give their posts to family members or sell them for thousands of dollars.⁹¹ Among Organization for Economic Cooperation and Development (OECD) states, Mexico's test scores rank last.⁹² While about 75 percent of U.S. students are high school graduates, only 45 percent of Mexicans are.⁹³ Only 20 percent of Mexicans between the ages of 24 and 34 have a college education, while on average 37 percent of their OECD peers have college degrees.⁹⁴ Should the status quo remain relatively intact, Mexico's future leaders are likely to instead seek better educational opportunities abroad.

Middle-class Mexicans have strong socioeconomic and security incentives for emigration. The attractiveness of these incentives will increase if domestic reforms fail in the short term to fix ongoing problems, such as increasing criminality and weak institutions.

Large, Established Mexican Immigrant Group

Mexican immigrants benefit from an extensive support network for building their new lives. Thirty percent of U.S. immigrants, the 11.7 million Mexican immigrants living in the United States comprise 10.2 percent of Mexico's population.⁹⁵ In contrast, Chinese immigrants form the next largest group, at five percent of the U.S. immigrant population, with about 2.2 million Chinese living in the United States—approximately 0.16 percent of China's population.⁹⁶

Some analysts point to a recent decline in Mexican immigration to the United States as a lasting trend, even with immigration reform.⁹⁷ Undocumented immigration is the lowest in 40 years for the following four reasons: increased enforcement, a slower U.S. economy, Mexican drug traffickers' targeting of immigrants, and improvements in Mexico's economy.⁹⁸ Though undocumented Mexican immigration has decreased, documented Mexican immigration continues to be strong.⁹⁹ In fact, area experts point to a recent rise in the flow of documented Mexican immigration.

Obstacles to Middle-Class Mexicans' Immigration to the United States

Middle-class Mexicans face several bureaucratic obstacles that hinder their ability to immigrate to the United States. They are less likely to risk undocumented immigration, but the reasons highlighted in the previous section would motivate them to seek legal alternatives, if provided.

Unfavorable Visa Distribution

Compared to other immigrants, current Mexican immigrants tend to be younger, less educated, and less likely to be in management or professional jobs (i.e., 10 percent are in management or professional jobs versus 41 percent of other immigrants), because of a visa preference system that favors family migration.¹⁰⁰ Family-based preference categories allowed 88 percent of Mexican immigrants to become legal permanent residents through U.S.-citizen immediate relatives or family-sponsored immigrants, in 2010.¹⁰¹ Fifty-three percent of employment-based visas also go to spouses and children of principal applicants.¹⁰²

The Immigration and Nationality Act (INA) grants three times as many family-based visas as employment-based visas.¹⁰³ Since 1976, the INA has limited employment-based visas in the Western Hemisphere to 29,000 per year.¹⁰⁴ The employment visas that are issued tend to go to low-skilled workers. In 2010, 82.9 percent of H-2A and H-2B visas for low-skilled workers permitted Mexicans to enter the United States as temporary non-immigrants.¹⁰⁵

Uncertain Economic Circumstances

Middle-class Mexicans' rising expectations may not be met in Mexico, but the U.S. economic circumstances often leave them dissatisfied, as well. Bureaucratic or professional obstacles

prevent many skilled immigrants from gaining employment in their chosen fields in the United States. In 2011, 23 percent of all skilled immigrants were either unemployed or working in jobs below their skill level.¹⁰⁶ Comparatively, the United States offers middle-class immigrants better quality of life, but sacrifices for attaining such a life are significant.

Mexican immigrants have more economic clout in Mexico than they would in the United States.¹⁰⁷ As noncitizens, they tend to earn 50 to 70 percent lower incomes than naturalized U.S. citizens.¹⁰⁸ Furthermore, middle-class Mexican immigrants cannot count on earning incomes comparable to their counterparts' from other countries of origin. Mexicans with more than 10 years of education earn less than immigrants from other nationalities.¹⁰⁹ Mexican immigrants earned 27 percent less than African immigrants of similar education levels and 75 percent less than their European, Oceanic, and Canadian counterparts.¹¹⁰ These variations may arise from differing quality in the education systems of their countries of origin.¹¹¹ Even if Mexico's macroeconomic weakness and heightened insecurity threaten this clout, Mexicans often choose not to risk their elevated, established socioeconomic foundation for an uncertain future.

Incomplete Social Integration

While other immigrant groups also deal with these obstacles, Mexican immigrants face particular social stigmatization. The national debate surrounding Arizona's 2010 passage of S.B. 1070, Support Our Law Enforcement and Safe Neighborhoods Act, highlighted the stigma against undocumented immigration and Mexican immigration, by association.¹¹² In 2012, the Supreme Court overturned major provisions of the law, but maintained law enforcement can detain anyone suspected of being in the country without authorization until they prove otherwise.¹¹³ The law's opponents are concerned it violates racial minorities' civil rights by encouraging racial profiling.¹¹⁴ Even so, 58 percent of Americans supported the law when the Supreme Court released its decision in June 2012.¹¹⁵ Such hostility may dissuade potential Mexican immigrants by creating an environment that discourages their full integration into U.S. society.

Settled Mexican immigrants also face obstacles to their societal integration, leading to fewer applying for U.S. citizenship. Two-thirds of Mexican documented immigrants have not applied for citizenship, but 68 percent of immigrants from other countries do, according to a Pew Research Center poll.¹¹⁶ Linguistic, economic, and personal barriers prevented 44 percent of eligible Mexican immigrants from applying for citizenship.¹¹⁷

U.S. immigration reform could mitigate these obstacles. More employment-based visas could overcome bureaucratic limitations to middle-class immigration and create more certainty regarding employment. A pathway to normalization or citizenship could lead to greater societal integration that makes the United States generally more welcoming towards immigrants.

Current U.S. Proposals for Immigration Reform

Latinos' prominence in the 2012 U.S. presidential election helped foster bipartisan interest in immigration reform. The following section summarizes the major proposed changes to U.S. immigration policy, categorized into the groups of immigrants they would likely most affect:

1. *Policies affecting undocumented immigrants:* pathways to normalization and citizenship, employer accountability measures, and increased border security.
2. *Policies affecting immigrant children:* passage of the DREAM Act, or similar legislation, and broadening President Obama's Deferred Action for Childhood Arrivals.
3. *Policies affecting immigrant workers:* guest-worker program, reforms related to agricultural workers, and employment-based visas.

Policies Affecting Undocumented Immigrants

The centerpiece of proposed reforms, a pathway to normalization or citizenship, would allow over 11 million undocumented immigrants already in the United States from various countries of origin to normalize their legal status.¹¹⁸ The economic effect of this reform would be significant, given that about five percent of the U.S. workforce is currently undocumented.¹¹⁹ In 2010, about 59 percent of undocumented immigrants in the United States were from Mexico.¹²⁰

- *Pathway to normalization/citizenship.* In April 2013, eight U.S. senators, known as the "Gang of Eight," released an initial version of a comprehensive immigration reform bill, the Border Security, Economic Opportunity, and Immigration Modernization Act, that includes a path to citizenship for undocumented immigrants.¹²¹ To be eligible for provisional legal status, undocumented immigrants must have arrived in the United States before December 31, 2011 and continuously remained there since then.¹²² After 10 years, these immigrants may apply for permanent residency if they have done the following: stayed continuously in the United States since their arrival, been regularly employed or pursuing education, paid taxes owed during the provisional period and a penalty fee, learned English, and waited for the benefits of normalized legal status behind documented immigrants.¹²³ Implementation of this provision requires increased border security beforehand.¹²⁴ Some leading politicians, including the Republican leadership in the U.S. House of Representatives, prefer normalization to citizenship.¹²⁵
- *Increased employer accountability.* The 1986 Immigration Reform and Control Act made it illegal to hire undocumented immigrants.¹²⁶ Since then, employers must verify all employees' work eligibility.¹²⁷ Recently, DHS has focused on enforcing hiring practices rather than on worksite raids and arrests of undocumented workers.¹²⁸ In President Obama's first term, U.S. Immigration and Customs Enforcement fined noncompliant employers more than \$87.9 million.¹²⁹ To strengthen employer compliance, the "Gang of Eight" proposes mandatory, enhanced E-Verify—currently a voluntary electronic employment verification system that enrolls less than 10 percent of U.S. employers.¹³⁰

- *Increased border security.* The “Gang of Eight” aims to increase U.S. Border Patrol capacity through the latest technology (e.g., unmanned aerial vehicles), strengthened infrastructure, and additional personnel at and between ports of entry.¹³¹ Increased security has correlated with a decrease in the number of undocumented Mexicans apprehended while crossing the border.¹³² In FY 2011, the number of apprehensions reached its lowest level since 1970, and a record number of noncitizens were deported.¹³³ Since 2006, DHS has doubled spending on border security and immigration enforcement measures—including sensors, cameras, surveillance drones, fencing, and federal agents—to a total of \$18 billion a year.¹³⁴ The number of Border Patrol agents along the U.S.-Mexico border has reached a high of 18,516—double the number deployed in 2005.¹³⁵ Nevertheless, a January 2013 Government Accountability Office report recommends that more agents be stationed along the border, because the amount of drugs crossing it has significantly increased in recent years.¹³⁶ Between 2006 and 2011, the number of U.S. Border Patrol drug confiscations along the U.S.-Mexico border increased by 83 percent.¹³⁷

U.S. immigration reform would likely include a pathway to normalization or citizenship. Until that reform’s implementation, increased employer verification and border security could discourage Mexican immigration to the United States. Nevertheless, documented Mexican immigration will continue to increase due to factors outlined in this paper.

Policies Affecting Immigrant Children

Upcoming reform will likely normalize the legal status of first-generation immigrant children. Many reform proposals call for opening educational and work opportunities to these youth, who comprise about 13 percent of all children with immigrant parents.¹³⁸ Two existing routes for reform are the Development, Relief, and Education for Alien Minors Act (DREAM Act) and the executive-ordered Deferred Action for Childhood Arrivals (DACA).

- *Passage of the DREAM Act.* The DREAM Act would normalize the legal status of 2.1 million undocumented immigrant youth.¹³⁹ To qualify, these youth must have arrived in the United States at 15 years old or younger, be currently 35 years old or younger, have been here for at least 5 years, finish high school, and finish 2 or more years of higher education or military service.¹⁴⁰ Under the “Gang of Eight” bill, they could apply for permanent residency and eventually citizenship after five years of registered provisional status, during which they can work and study in the United States.¹⁴¹ Proponents argue that beneficiaries would add \$329 billion to the U.S. economy and 1.4 million jobs by 2030, because they would have higher-paying jobs and increased buying power.¹⁴²
- *Further development of DACA.* In June 2012, DHS created DACA, which prevented the deportation of 1.7 million undocumented immigrants below the age of 30 who arrived in the United States before they were 16 years old.¹⁴³ Eighty-five percent of these immigrants were Latino.¹⁴⁴ The program does not provide a path to normalization or citizenship, nor does it include the DREAM Act’s education provision.¹⁴⁵ Nevertheless, it follows a similar policy direction, in that it shielded qualified children of undocumented

immigrants from deportation for two years and potentially qualified them for work authorization.¹⁴⁶ The U.S. government could further expand the categories of immigrants to whom this program applies and/or extend the time period for delayed deportation. The “Gang of Eight” has also proposed making DACA-eligible immigrants eligible for registered provisional immigrant status and then permanent residency.¹⁴⁷

As Mexico’s youngest generations increasingly have opportunities to remain in the United States, they have fewer incentives to return to their country of origin.

Policies Affecting Immigrant Workers

U.S. business leaders have pushed to increase the number of employment-based visas.¹⁴⁸ Of all the potential reforms, those related to employment visas are the most likely to directly attract middle-class Mexican professionals.

- *Guest-worker program.* The “Gang of Eight” has proposed a new nonimmigrant worker classification, the W-visa, which determines the number of visas based on labor market conditions.¹⁴⁹ DHS reported that, in 2011, the United States admitted more than 2 million temporary workers (e.g., nurses, seasonal agricultural workers, etc.), plus 1 million family members.¹⁵⁰ Currently, these temporary visas are distributed within a quota system not linked to U.S. economic conditions, which its critics argue prevents labor supply and demand from reaching equilibrium.¹⁵¹
- *Agricultural workers’ normalization.* Among other reforms, the U.S. agricultural sector is pushing for faster normalization for undocumented immigrant agricultural laborers.¹⁵² The “Gang of Eight” also proposes these workers be eligible for permanent residency in 5 years, rather than the usual 10.¹⁵³ The U.S. Department of Labor’s 2007-2009 National Agricultural Workers Survey found that approximately 68 percent of agricultural workers were born in Mexico.¹⁵⁴
- *Employment visas for professionals.* There is bipartisan support for creating new opportunities for highly skilled, particularly STEM-educated, foreign nationals to gain employment, either temporarily or as legal permanent residents.¹⁵⁵ To date, the “Gang of Eight” proposes eliminating some family-based visa categories and the Diversity Visa program in favor of more employment-based visa categories.¹⁵⁶ The “Gang of Eight” supports offering green cards (i.e., legal permanent residence) to foreign students who earned PhD’s or Master’s degrees in STEM fields from U.S. universities.¹⁵⁷ Professionals could also benefit from an INVEST visa for entrepreneurs and a merit-based visa that allocates points in categories such as education, employment experience, and English-language skills.¹⁵⁸ Forty percent of employment-based visas will be reserved for skilled workers and professionals.¹⁵⁹

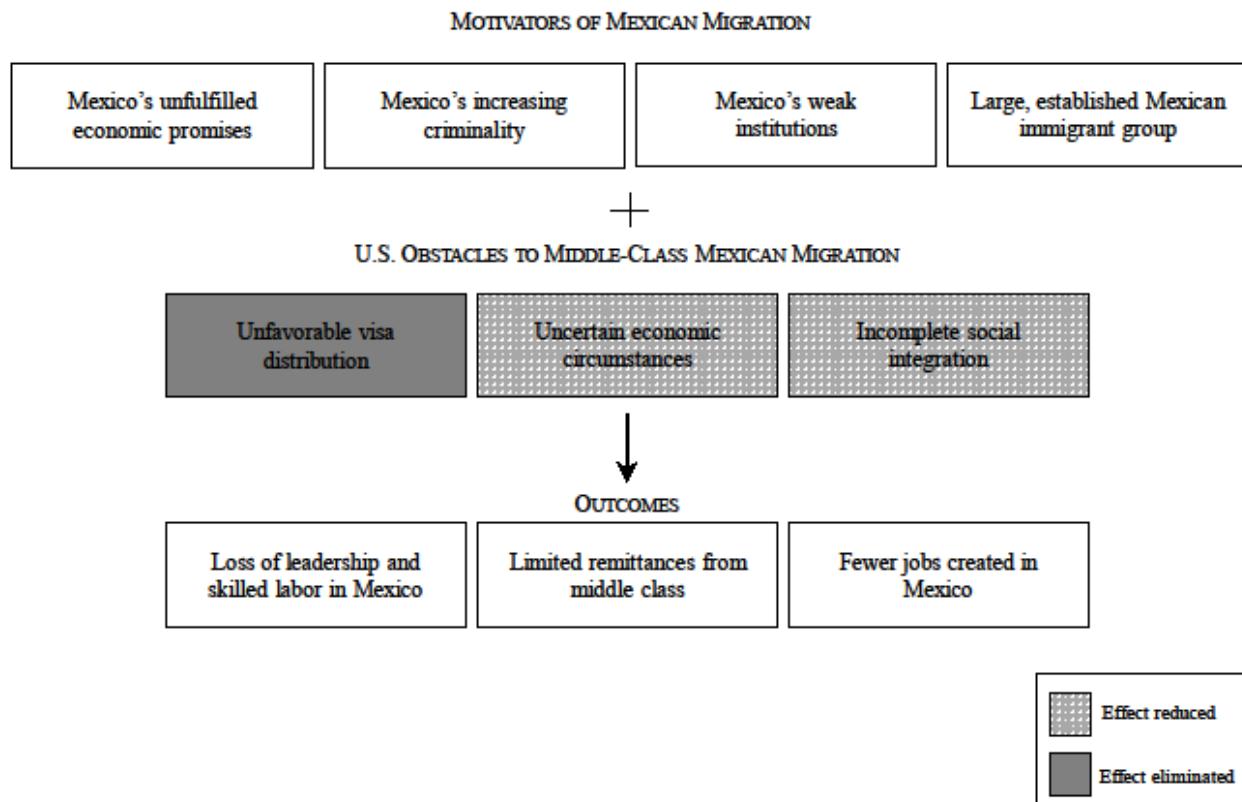
Without endorsing partisan debate, this paper takes as a given that immigration reform will occur in some form. This section focused on the components of reform that could likely most affect Mexico’s stability, the consequences of which are discussed in the following section.

U.S. Comprehensive Immigration Reform: Consequences for Mexico

U.S. comprehensive immigration reform would result in a range of benefits for Mexican immigrants, Mexico, and the United States. Nonetheless, U.S. policymakers must consider the following factors, to create sustainable reform. Increasing the number of employment-based visas is the primary reform component that could lead to these trends. See Figure 2.

1. *Mexico's Loss of Leadership and Skilled Labor:* Proposals that make it easier for highly skilled and educated workers to immigrate legally could intensify an already serious brain drain, depriving Mexico of the workers and leaders it needs for domestic reforms.
2. *Limited Remittances from Middle Class:* Middle- and upper-class immigrants are less likely to send remittances than the largely working-class Mexican immigrants currently in the United States. Thus, their remittances may not compensate for their absence.
3. *Fewer Jobs Created in Mexico:* Growing middle-class Mexican immigration to the United States could undermine Mexico's job creation.

Figure 2: Mexican Migration After Reform



Mexico's Loss of Leadership and Skilled Labor

More visas for highly skilled and educated workers would create opportunities for middle-class Mexicans seeking employment, safety, and a better future for their children. A large-scale influx of Mexican professionals into the United States would deny Mexico the economic, political, and social leaders needed to enact President Peña Nieto's proposed reforms.

- *Mexico's brain drain.* One in three Mexicans with PhDs and one in seven Mexicans with Master's degrees live in the United States.¹⁶⁰ From 1971 to 2008, Mexico lost 2,100 scientists and more than 140 billion pesos the Mexican government invested in their education.¹⁶¹ Mexicans have several means to pursue nonimmigrant educational and employment migration, such as through the NAFTA Professional (TN) visa, which has had no numerical limit since 2004.¹⁶² Furthermore, from 2000-2012, the number of nonimmigrant Mexicans investing significant capital in U.S. businesses through E-2 NAFTA visas doubled.¹⁶³ Moreover, the number of Mexicans immigrating on the EB-5 visa, which aims to grow the U.S. economy through immigrants' capital investment and job creation in U.S. businesses, has recently increased.¹⁶⁴

Mexico's brain drain likely would worsen as immigration reform makes it easier for professionals, especially those in STEM fields, to immigrate to the United States legally. In an April 2013 report, the *Banco de México* and the Migration Policy Institute predicted more Mexican migration in skilled employment sectors, as well as an overall return to net migration inflows of 230,000 to 330,000 annually, between 2011 and 2017.¹⁶⁵

Many educated professionals cannot find employment in their fields in Mexico. For example, in 2012, President Calderón reported that 130,000 engineers and technicians graduate from Mexican universities and specialized high schools—more than in Canada, Germany, or Brazil.¹⁶⁶ But the number of Mexicans employed as engineers has barely grown, increasing from 1.1 million in 2006 to 1.3 million in 2012.¹⁶⁷ Engineering students often take technician jobs for which they are over-qualified.¹⁶⁸ In contrast, 4 of the top 10 fastest-growing sectors of the U.S. economy are in STEM fields.¹⁶⁹ Environmentally conscious building construction, which is predicted to grow 22.8 percent over the next 5 years, would likely attract skilled labor and engineers.¹⁷⁰

- *Mexico's inhibited economy.* Many of President Peña Nieto's proposed reforms require a skilled labor force for successful implementation—the same groups that U.S. immigration reform targets. For example, President Peña Nieto's proposal to renovate Mexico's railway system would create jobs for engineers and skilled laborers.¹⁷¹ Mexico also is starting to see a return of manufacturing jobs from China as China's labor costs increase.¹⁷² If U.S. immigration reform attracts Mexicans employed in these sectors to the United States, then the demand for and wages of workers in Mexico would increase. The ensuing higher manufacturing costs would again put Mexico in closer competition with China. The departure of better-educated, higher-earning migrants would leave the general Mexican population worse off economically.¹⁷³

A brain drain could take away local leaders and technicians who otherwise could provide important public services in Mexico. Fewer qualified engineers, teachers, businesspeople, and politicians would deprive Mexico of leadership at the national level.

Limited Remittances from Middle Class

President Peña Nieto supports U.S. immigration reform, in part because he likely expects a boost in remittances from Mexican migrants.¹⁷⁴ Mexico receives \$23.6 billion in remittances annually—the third-largest amount in the world, after India and China.¹⁷⁵ Although increased migration may yield a boost in the total amount of remittances sent to Mexico, it cannot compensate for the simultaneous deficit in leadership and skilled labor. Remittances will be vulnerable to downturns in the U.S. economy and will not mitigate the brain drain. Since 2007, remittances received in Mexico have fallen by 14 percent, largely because of the U.S. economic downturn.¹⁷⁶

Moreover, U.S. immigration reform will attract new middle- and upper-class Mexican immigrants, who are less likely to send remittances. More than three-fifths of remittance senders from Mexico and Central America can be considered “working poor” or “lower middle class,” with an income of less than \$30,000.¹⁷⁷ In Mexico, approximately 56 percent of all remittance-receiving households are classified as poor.¹⁷⁸ On the other hand, only 14.3 percent of migrants in the United States earning \$50,000 or more send remittances to their countries of origin.¹⁷⁹ As more middle- and upper-class Mexicans immigrate to the United States, remittances may not follow to the degree expected.

Although there are benefits to U.S. immigration reform, U.S. policymakers cannot afford to overlook the potentially negative consequences for Mexico’s long-term economic prospects. Additional stress on Mexico’s already struggling economy could further embolden organized crime to engage in violent activities that could also affect the United States.

Fewer Jobs Created in Mexico

Immigration reform would make the United States more attractive to Mexican entrepreneurs whose absence would divest Mexico of their talents and potential job creation. President Calderón aimed to create 6 million new jobs during his term, but he created only 2.6 million.¹⁸⁰ Small and medium-sized businesses create the largest proportion of jobs in Mexico.¹⁸¹ The average Mexican entrepreneur is 25 to 44 years old, is highly educated and middle-income, and still has other jobs.¹⁸² Inadequate access to capital, however, impedes Mexican entrepreneurship.¹⁸³ The Milken Institute Capital Access Report of 2009 ranked Mexico 45th out of 122 countries regarding its access to capital, whereas the United States ranked fifth.¹⁸⁴

If immigration reform attracts more Mexican entrepreneurs to the United States, Mexico will lose the people most likely to create much-needed jobs. Returning migrants are among the best equipped to create jobs, with wages for male migrants who return to Mexico five percent higher than for non-migrant males.¹⁸⁵ If they return to Mexico, these migrants have the potential to

make significant contributions to Mexico's economy through entrepreneurial ventures. Increasing employment opportunities could help reduce Mexicans' dependence on the informal economy for employment.¹⁸⁶ Consequently, the security situation could improve, as countries with lower levels of income inequality and unemployment tend to have lower homicide rates.¹⁸⁷

Conclusion

An effective U.S.-Mexico partnership requires that U.S. policymakers give Mexico greater consideration in their plans for immigration and other relevant reforms. U.S. policymakers must take into account proposed reforms' potentially negative consequences for Mexico: (1) brain drain, (2) undermined job creation, and (3) limited remittances. If they do not, one of the United States' most important allies could descend further into instability, thereby threatening U.S. security and economic interests. Moreover, now is the time to start considering these effects, because Mexico's development is at a critical juncture as its new president introduces his own reform agenda.

President Peña Nieto's proposed reforms, if given the proper resources and led by competent officials, could help rectify Mexico's path toward stronger institutions, economic development, and security in the long term. For example, his new security strategy includes spending \$9.2 billion this year on social programs that would keep Mexican youth from joining criminal organizations, starting in the 251 most violent towns.¹⁸⁸ These social programs include building better roads, preventing and treating drug addiction, job placement for single mothers, longer school hours, and promotion of peace through a campaign against domestic violence.¹⁸⁹ If this and other policies are successful, they could reduce criminal organizations' influence and membership; however, these projects require incorruptible and knowledgeable public officials. U.S. immigration reform would attract many of these individuals to the United States. The United States has a vested interest in these reforms' success, but it must not undermine the Mexican state's legitimacy by being perceived as a significant factor in their effectiveness.

These considerations should not derail reform efforts. Taking into account Mexico's stability when crafting U.S. immigration reform should instead bolster the effectiveness of reform efforts on both sides of the U.S.-Mexico border. Over the next decade, immigration reform could add \$1.5 trillion to the U.S. economy, increasing the U.S. economic growth rate by 0.8 percent.¹⁹⁰ Moreover, an aging U.S. population depends on increasing immigration to stabilize the working-age population.¹⁹¹ Yet, these benefits will not last in the long run if the United States enacts reform without regard for its potential effects on Mexico's stability. It is in the United States' best interest to recognize these nuances, so as to design immigration reform that fosters U.S. and Mexican economic and political stability at the macro-level and for individuals.

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