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Publication Date

2004-05-01

CLPR Graduate Student Research Briefs



Center for Latino Policy Research

University of California, Berkeley

REGULATING INTERNATIONAL MIGRATION: Free Trade, Transnational Policing, and Human Rights at the U.S.-Mexico Border

Spring 2004

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In recent decades, the state's historical role in the direct "importation" and "deportation" of labor migration has been reconfigured. In the absence of formal or "legal" mechanisms for labor migration, private transnational actors—namely smugglers, vigilantes, and NGOs—have assumed a primary role in the regulation of international migration within the new global economy. Moreover, the roles of U.S. and Mexican border enforcement agencies have converged toward local and transnational policing of human and drug smuggling and "saving lives" under the rubric of border security. Based on an ethnographic and historical analysis of local and binational regulatory practices, my research findings to date show that private transnational actors perform traditional state functions of "recruitment" and "restriction", while Mexican and U.S. state agencies regulate through appropriated and institutionalized discourses of "crime" and "human rights." By appropriating and institutionalizing discourses of crime and rights, state agencies have been able to both maintain legitimacy at the *local* level by appealing to Mexican officials, migrant rights advocates, and border residents and at a *national* level by projecting an image of control.

My dissertation research has been guided by the following questions:

- * *What is the role of Mexican and U.S. state agencies in managing the entry and exit of undocumented labor migration at the U.S.-Mexico border? What is the role of private transnational actors- namely, smugglers, vigilantes, and NGOs?*
- * *How do Mexican and U.S. state agencies perform the contradictory task of enforcing border controls without disrupting flows of labor migration that play a critical role in the global economy?*

In order to investigate these questions, I am conducting a binational ethnography and in-depth interviews at two lesser studied, traditional border crossing points in Arizona/Sonora and Texas/Chihuahua. Specifically, I examine the local practices and discourses that state and private actors employ to regulate the entry and departure of undocumented migrants. Most of the fieldwork to date was conducted at the Tucson Border Patrol Sector and its Mexican counterpart between 2001-2003 and will be replicated in El Paso/Ciudad Juarez in Fall 2004 in order to compare local and binational regulatory practices across sites.

The data has been collected during a period of bilateral negotiations over a proposed guest worker program by the Bush and Fox administrations; the events of September 11th; and the restructuring of the INS and Border Patrol which are now part of the newly formed Department of Homeland Security. Despite a temporary decrease in migrant flows and a tightening of enforcement measures along the border, flows of undocumented labor migration have not waned. The contradiction of "controlling borders" while simultaneously facilitating the "mobility of labor flows" has been exposed once again. The ways in which state agencies attempt to resolve those contradictions shape the conditions under which people migrate. Such conditions determine whether people emerge from the experience as a corpse, a "criminal," an exploited worker, or a human being with full rights.

This brief summarizes work-in-progress that forms part of a larger dissertation project entitled *Open Borders? Contemporary Labor Regulations at the U.S.-Mexico Border*. **Patrisia Macias Rojas** was a Mini-grant recipient in Fall 2001.
