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## **Migration in the Americas**

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by

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## **Introduction**

If sketched in the most simplistic terms, the Americas could be divided into a north of immigration and a south of emigration. Certainly, aggregate numbers bear this out. According to UN figures, in 2002 40.8 million migrants lived in North American countries, accounting for 13 percent of their total population, well above the global average of about three percent (UN Population Division, 2002). Meanwhile, the 5.9 million migrants located in Latin America and the Caribbean accounted for only 1.1 percent of their population, with the nearly 20 million Latin American and Caribbean nationals estimated to live outside their country of birth accounting for nearly four percent of the population of their home countries. Most of these migrants are thought to be in North America (ECLAC, 2002).

Looking more closely, however, more complex patterns emerge. At the hemispheric level, the United States are without a contest the strongest pole of attraction. Citizens of other countries of the Americas account for 43% of the million or so legal permanent immigrants the United States admit every year and about a third of their legal temporary workers, which total a little over one million admissions every year. Migrants from within the hemisphere are also thought to account for 81% of the United States' estimated population of around 10 million unauthorized residents (Passel, 2005). Canada admits an even greater number of immigrants relative to its population, but draws a far smaller proportion of them from within the Americas.

Moving southward, Mexico's size and proximity give it unrivaled importance in migration flows to the United States, while it is increasingly a transit route and even a destination for Central American migrants. Although Central Americans most often look toward Mexico or the United States for work or the possibility of a new life, they also migrate in significant numbers within the region, most notably to Costa Rica. In Central America, Costa Rica, Belize<sup>1</sup> and Panama<sup>2</sup> have been the three major immigrant-receiving countries. While for Costa Rica and Belize the main migrant flows are intra-regional, most immigrants in Panama are from South America and the Caribbean, as well as Asia.

South America presents an even more complicated picture. Migration to the United States, Japan, Spain, and Italy or to other European countries has been a frequent response of many South American citizens to recent economic troubles. The continent's traditional focal point of immigration, Argentina, now receives mostly immigrants from within the continent, rather than from Europe as had historically been the case. Argentina

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<sup>1</sup> Belize has the smallest population in the region and has a greater percentage of immigrant population: 15 of every 100 inhabitants were born abroad. During 2000, its population was 232,000, of which 34,000 were born abroad. In 1991, 74.3 percent of immigrants were Central American. In 2000, this rose to 75.6 percent, most of them from Guatemala (56 percent) and El Salvador (23 percent).

<sup>2</sup> In Panama in 2000, three out of every 100 persons living there were immigrants (82,000 of 2.8 million); approximately 16 percent of them from Central America; almost half from South America (48.2 percent), the Colombians being the most numerous local group (55 percent). Immigration from the rest of the world, particularly Asia, increased from 21.9 percent in 1980 to 30.8 percent in 2000.

itself appears to have recently ended a four year period in which an unprecedented number of its citizens left for opportunities abroad both within the region and overseas. Many of the same changes are observed, to a lesser degree, in the continent's other traditional destination countries, Chile and Uruguay. Venezuela continues to be a migration destination, primarily for Colombians, even as emigration grows and Brazil is both a significant source of and destination for migrants in the region.

A few themes and issues are almost universal throughout the Americas. Unauthorized immigration, the smuggling and trafficking of people, and the protection of the rights of migrant workers are primary political and policy problems for almost every country. In the United States, and to a slightly lesser extent, Canada, these issues compete with an overwhelming concern over domestic security and terrorism. Women have become a more significant part of migration flows, especially inter-regional flows—the majority, in some cases—creating new policy and social challenges. Remittances of money sent home by migrants are now widely recognized as an important and growing economic force in the region—an estimated total of 38 billion dollars in remittances was sent to Latin America and the Caribbean in 2003 (InterAmerican Development Bank, 2004b). For many lower and middle-income countries, the contributions of emigrants rival the size of their largest domestic industries. Meanwhile the role of economic changes and crises in engendering migration flows remains powerful if complex.

These trends mean that migration has moved up the ranks of political priorities in many countries. Increasingly, it is considered a foreign policy issue, as well as a domestic one, and countries that are primarily “sources” of migrants are taking a more active stance toward migration policy in the region. So far, migration has been treated primarily as a unilateral or bilateral issue, as countries consider how to make their services to nationals abroad more effective and attempt to negotiate for improved protections in receiving countries. However, there has also been progress in dealing with the issue multilaterally, either in forums focused on migration issues or as part of trade and other negotiations. The efficacy of each of these approaches largely depends on the issue and the countries involved.

This essay attempts to give both a survey of the “geography” of migration in the Americas and to identify major current and emerging policy issues. In North America, it will primarily discuss efforts to modernize migration controls to deal with perceived security threats and the struggle to come to terms with unauthorized migration. In Latin America, it will focus on the role of remittances, labor emigration, and economic crisis in migration. Across the hemisphere, it will discuss cooperative migration management practices and the growth of migration as a foreign and consular relations issue.

## **North America: A survey of migration**

### ***The United States***

The United States remain the dominant country of destination in the Americas, home now to the largest number of immigrants in its history. As of the year 2003, 33.5 million foreign born persons were living in the US, representing about 11 percent of the entire population (Migration Information Source, n. d. ). Of these, some 18.6 million, or 55 percent, are from the Americas: 10 million from Mexico; 2.2 million from Central America; 3.4 million from the Caribbean; and 2.1 million from South America. In 2002, more than 1,063,000 individuals arrived in the US as legal permanent residents. Mexicans (219,380), Indians (71,105), Chinese (61,282), Filipinos (51,308), and Vietnamese (33,627) accounted for 40 percent of all legal immigration.

Immigration from Latin America is changing the face of the country's society and politics. Hispanics, the fastest-growing ethnic group in the US, became the nation's largest minority in 2004 and are projected to become 29.8 percent of the US population by 2050. In the 2000 national elections, about 5.9 million Hispanic citizens—composed of naturalized immigrants and native-born persons of Latino descent—voted, accounting for about 5 percent of those who voted. Their ranks had been swelled by the naturalization of many of the immigrants regularized under the 1986 Immigration Reform and Control Act. However, the true power of the so-called “Hispanic vote” is yet to come: 12 million Hispanics are not yet of voting age and 9 million do not have citizenship, but may yet receive it. As a result, this perceived “voting bloc” is gaining attention in national and local politics.

The impact of immigration on the United States has also been influenced by changes in the settlement patterns of immigrants. Medium-sized cities, the Southeast, and Midwest are beginning to rival the traditional big-city and Southwestern state destinations for immigrants. Although the traditional states of immigrant settlement—California, Texas, New York, New Jersey, Illinois, and Florida—host two-thirds of the US immigrant population and continue to settle the absolute majority of new arrivals, other states have faster-growing foreign-born populations as a result of both new arrivals from overseas and secondary movements from the traditional states. Thirteen states, most of which had previously received few immigrants, saw their foreign born population more than double during the 1990s, with rates of growth over twice that of the national average (Singer, 2004). Meanwhile, the foreign born populations of California, New York, and New Jersey increased at a rate half that of the national average.

These trends in the settlement patterns of immigrants closely match trends in the movements of the native-born, who are also following job growth to second-tier cities and suburbs. However, immigrants face greater integration challenges in these new settlement areas: the arrival of new immigrants (who tend to be poorer, younger, less educated, and more likely to be of Hispanic or Asian origin than their settled predecessors) is placing considerable stress on governmental and non-governmental

services for immigrants in these areas. Such services tend to be less developed and integrated into mainstream programs in these areas than in traditional areas of immigrant settlement, particularly given the United States' highly de-centralized and privatized model of social service provision (Singer, 2004; O'Neil and Jachimowicz, 2004).

A look at the gender profile of the United States' foreign-born population also reveals how immigrant populations are maturing and changing. Overall, the sex ratio of the foreign-born in the United States is almost balanced, with 101 males for every 100 females (a sex ratio of 101). However, this ratio varies widely across national origin groups: more established populations of immigrants, such as Germany and England (with sex ratios of 68 and 89, respectively) tend to be dominated by females, while national groups with more recent and ongoing flows, such as Mexico and El Salvador (with sex ratios of 124 and 110) tend to be male dominated. Men generally dominate initial immigration flows and are later joined by female family members and children as immigrants become more established. A recent upward trend in the apprehension of unaccompanied minors along the US-Mexico border is further indication that this "joining" process is fully underway in the case of immigration from Mexico and Central America and the fact that the immigrant population from these countries is still heavily male dominated indicates that migration of women and children from these countries is only likely to increase in coming years (Grieco, 2002).

Entry methods and occupations matter in terms of gender as well: entries on high skill work visas are dominated by men, explaining Indian immigrants' sex ratio of 138, while a few other classes of work visas, such as those given to nurses, are dominated by women, helping account for the sex ratio of 71 for those from the Philippines. Women are also more likely to migrate to the US (and to Canada) in a dependent immigration status, rather than as the primary applicant. This perhaps explains why immigrant women are more likely to have been married than immigrant men (although they are also more likely to be widowed, divorced, or separated). Changing job demand and visa usage may also play a gender role: the traditionally male dominated H-1A agricultural temporary work visa is becoming less popular in the US while the H-2B visa, which is used for industries that employ greater proportions of females, such as light manufacturing, processing and hotels, but which worker advocates argue has weaker built-in worker protections, has become more popular in recent years.

Despite the spread of immigration across the United States and controversies provoked by the increased dominance of one country (Mexico) and one region (Latin America) in US immigrant stocks, immigrant integration has not emerged as a major public policy issue. Although high rates of poverty in immigrant households continue to be a serious problem, other indicators such as English language acquisition and upward mobility of the second generation are much in line with what has happened for generation after generation of immigrants to the United States. However, two factors have fundamentally altered the way the United States approaches immigration: the fear of terrorism and the problem of unauthorized immigration. Both issues will be discussed more in depth later in this section.

These concerns have made immigration a political issue on which neither of the United States' major political parties speaks with a single voice. A vocal minority of the Republican Party is deeply skeptical of immigration and strongly in favor of enforcement measures that target unauthorized immigrants. More moderate Republicans are sympathetic to business interests favoring increased immigration, particularly temporary labor migration, and are inclined to take a more pragmatic approach on unauthorized immigration that includes the possibility of legalization. This group is also supportive of security measures, some of which arguably infringe on the rights of migrants, particularly individual groups such as asylum seekers. The Democratic Party also hosts a variety of viewpoints on the issue and includes some in favor of further restriction, but generally tends to be supportive of forms of immigration that lead to permanent residency, but more opposed to temporary worker programs. Many Democratic moderates, too, are inclined to give security concerns and enforcement heavy weight. Increasingly, Democrats and moderate Republicans are forging a shaky convergence of views on proposals to manage unauthorized immigration, as will be discussed later.

### *Canada*

Recent immigration trends in Canada show a rise in the foreign-born population, especially from Asia, Latin America and the Caribbean, as well as Africa and the Middle East. In the forty-year time span between 1961 and 2001, the size of the Latin American- and Caribbean-born population saw a forty-five fold increase, from 12,900 to 585,800, whereas those coming from Europe only increased approximately eight-fold, from 809,330 to 1,478,230. In 2001, Canada's foreign born population of 5.5 million people represented 19 percent of the total population, giving Canada almost twice the per-capita population of foreign born of the US in 2000 (Statistics Canada, 2003). Nearly one quarter of the 235,808 people granted permanent residency in Canada in 2004 were selected through Canada's "points system" that tests them for skills and education, among other attributes. Family members accompanying these immigrants account for a little more than another quarter of admissions, while people joining family members and humanitarian migrants comprise the remainder. As a result, the levels of education of entering immigrants are nearly as polarized as they are in the US: immigrants tend to be either very well educated or rather poorly so.

The Canadian immigration system continues to exhibit an ability to change. The most recent policy overhaul occurred in the 2002 Immigration and Refugee Protection Act. The proposed act and implementing regulations were subjected to a publicly published "Gender-Based Analysis" process that sought to predict the varying impacts of the law on both genders and to identify research and statistical monitoring needs based on gender awareness. For example, the analysis observed that a continuous employment requirement in the skilled migration category would disadvantage women (who are more likely to have part-time or interrupted work histories), that female sponsors of family reunification immigrants were more likely to break a bar on receiving public assistance, and that humanitarian migrants referred by other governments were less likely to include victims of gender-based persecution (CIC Canada, 2002).

The new legislation shifted the Canadian skill-based immigration system away from its focus on occupational shortages in favor of increased emphasis on long-term earnings potential as the basis of admission under the points system.<sup>3</sup> Canada has also actively recruited immigrants in other ways, from expanding its bilateral agricultural temporary labor migration program with Mexico and streamlining the temporary entry of professionals to stepping up its recruitment of new university students from abroad, taking advantage of declining student admissions to the United States due to security-related visa complications. (Perkins, 2004)

### *Mexico*

Migration in Mexico is marked primarily by the mass emigration of Mexicans toward the United States. This movement had historically been characterized by circular, seasonal labor migration. However, longer stays and permanent settlement have become the norm as Mexican families have gradually developed deeper and broader ties to the United States and as increased border vigilance has made repeated unauthorized crossings too expensive and perilous. However, Mexico has also seen its own foreign-born population grow to 408,000 persons in 2000. 63 percent of this population was born in the United States, the majority of whom were children born in the US to Mexican immigrants (CONAPO, 2001). In addition, US citizen retirees in Mexico are a substantial group. Most of these reside in quasi-legal circumstances, and some estimates place their numbers in the hundreds of thousands. About 22 percent of Mexican immigrants come from other Latin American countries. Guatemalans are the majority of Latin American immigrant population, although their numbers declined in the 1990s following the end of the Guatemalan civil war. Despite the growing foreign-born population, Mexico is primarily a land of transit. Immigrants head by land to the US from Guatemala, Honduras, and El Salvador (CONAPO, 2000), while others destined for the US arrive by air and sea from South America and even more distant points. Dealing with immigrants from Central America—whether they remain in Mexico or continue toward the United States—has become an increasing challenge, and Mexico’s own human rights commission has harshly criticized the government’s treatment of unauthorized migrants. The commission cited overcrowding and poor conditions in detention facilities, as well as the failure of Mexican officials to consistently notify consulates of the detention of their nationals (El Universal Online, 2004).

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<sup>3</sup> There have recently been important demographic shifts affecting Canadian immigration policy. For example, the increasing immigrant density in large cities and declining labor skills of recently arrived migrants have provoked a reevaluation of the role of immigration policy in stimulating economic growth (Beach, Green, and Reitz, 2004).

## North American policy issues

### *Migration as a security issue in the US and Canada*

Since the terrorist attacks on New York and Washington in 2001, the security imperative has trumped all other priorities with respect to cross-border movement of people. The US government engaged in thorough policy reviews of border security<sup>4</sup> and scrutinized every avenue through which foreigners gain entry into the country. Several of these efforts have already led to changes in administrative practices.

The US response to terrorism in migration policy has several key elements:

- Greater cooperation with North American neighbors on border control;
- The administrative integration of customs, immigration, and the Coast Guard functions in the new Department of Homeland Security;
- Much higher levels scrutiny of entrants to the US than before; and
- Increased investment in technology for migration control.

These changes have not resulted in major changes to migration flows to the United States. They have resulted in some cases, however, to increased delays in processing, somewhat decreased entries, or less hospitable treatment for *specific types* of migrants—namely students, refugees, asylum seekers, and legal and unauthorized immigrants from Muslim countries. They have also created greater documentation and identification burdens for other countries, and arguably improved cooperation with the United States' two immediate neighbors.

In this context, cooperation with Canada and Mexico, its contiguous neighbors and NAFTA partners, has occupied a great deal of the policy agenda. The discussions and gains in cooperation have been bilateral, however, rather than trilateral. Each relationship moved at the pace and depth that pre-September 11, 2001 understandings and collaborative initiatives allowed. As a result, the bilateral progress on border management (both facilitation and controls), intelligence, and police cooperation has been greater with Canada than with Mexico—although the gains in the depth of cooperation with Mexico have been impressive by any yardstick.

On December 12, 2001, Canada and the US signed a 30-point Smart Border Declaration in an effort to enhance security and facilitate information-sharing along the border. As part of the agreement, the two governments also signed the Safe Third Country Agreement, requiring asylum seekers to seek status in the first country they enter (nearly one-third of Canada's annual asylum caseload had been arriving from the US). Three months later, the US and Mexico signed a 22-point Border Partnership Agreement which,

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<sup>4</sup> Immediately following the September 11, 2001 terrorist attacks and in keeping with the new heightened-security environment, White House task forces were created to review and tighten border and visa admission policies.

while similar in objective to the US-Canadian agreement in seeking improved security for the legitimate flow of goods and people, differed in many important ways.

While both agreements built upon previous bilateral discussions on border management, many of the initiatives outlined in the 22-point plan with Mexico were new. Creating compatible databases that allow for the electronic exchange of information, implementing joint border-control training and conducting vulnerability assessments of border-related networks are some examples.

The most dramatic and potentially the most consequential 9/11-related action by the US Government has been through government reorganization. On January 24, 2003, the US formally created a single agency responsible for domestic security, the Department of Homeland Security (DHS). Pursuant to the Homeland Security Act of 2002, immigration services and enforcement, border patrol activities and visa policy authority, among others, are the responsibility of the new department. The change is the largest US government reorganization since the creation of the Department of Defense in 1947 (Jachimowicz and McKay, 2003). The reorganization also created, for the first time, three distinct agencies responsible for immigration, one for immigration benefits and naturalization services (US Citizenship and Immigration Services) and two for immigration (and customs) enforcement at the border and ports of entry (Customs and Border Protection) and inside the country (Immigration and Customs Enforcement), although all divisions remain in the DHS. Not surprisingly, funding for the enforcement side has increased while that for the benefits administration has remained basically stagnant, despite a significant problem with backlogged immigration and naturalization applications. Judicial review under the Board of Immigration Appeals, visa issuance and programs related to unaccompanied minors and the Office of Refugee Resettlement remain part of the Department of Justice, the Department of State and the Department of Health and Human Services, respectively.

**Canada**, for its part, has also reorganized its government to more directly address homeland security, in part by creating a new super-agency which in many important respects parallels that of the US Department of Homeland Security. The new Department of Public Safety and Emergency Preparedness, headed by a Deputy Prime Minister (whose position most closely corresponds to the cabinet-level Secretary of Homeland Security), includes a Border Services agency that consolidates border functions from various government agencies. It also consolidates all agencies with intelligence components through one chain of command. The Department has been developed in conjunction with improved screening of immigrants, asylum seekers, and visitors. Immigration benefits administration and some enforcement functions remain separate from the security agency under the Department of Citizenship and Immigration. Canada has also followed its southern neighbor in placing more scrutiny on certain classes of migrants in the name of security. The 2002 Immigration Act tightened the process for asylum applications by including more stringent screening processes, reduced rights of appeals, and more explicit detention provisions (Beach, Green, and Reitz, 2002).

In the **United States**, additional changes have occurred as part of the continuing effort to collect information about foreigners entering the United States. Two efforts in particular stand out. The first is the tightening of the visa issuance process through additional screening procedures. The second is the increased use of tracking systems to monitor the entry and exit of non-nationals.

Tightened visa issuance processes initially affected nationals primarily from Muslim and Arab countries. A regulation issued by the State Department on July 7, 2003, requiring nearly all applicants for visas to complete face-to-face interviews with consular officials, suggests that this “tightening” is being expanded to all visa applicants throughout the world.

Foreign students have experienced substantial visa processing delays as a result of tighter security requirements. This led to expressions of deep concern by US universities and significantly, by some senior level US government officials, including the Secretary of State and Secretary of Homeland Security<sup>5</sup>. Indeed, delayed and more time-consuming visa services, along with new fears of discrimination on the part of people applying from Arab and Muslim countries, increases the attractiveness of non-US educational institutions and are likely to have contributed to the recent decline in foreign-born applications to US academic institutions. Specifically, foreign student and exchange visitor admissions had been growing at an average of 12 percent per annum from fiscal years 1995 to 2001, but fell by approximately seven percent from fiscal years 2001 to 2002 - a decrease of 73,674 admissions (Jachimowicz, 2003). To date, the government is still struggling to reach a new equilibrium between enhanced security checks and timely visa issuance (Yale-Loehr, et al, 2005).

Contributing to recent challenges is the new government-mandated electronic database designed to track all new and continuing foreign students and exchange visitors in the US. The Student and Exchange Visitor Information System (SEVIS), which became fully operational on August 1, 2003, had experienced implementation delays and errors, prompting concerns over the tight deadlines imposed by lawmakers. Significant visa application backlogs and an increase in visa application fees as of April 2004, in part attributable to additional security layers, are also the result of tightened visa policies.

New security requirements have, in addition, changed the treatment of resettled refugees and asylum seekers. Candidates for refugee resettlement and their identification documents are now subject to additional background checks. These actions have been criticized for unduly hindering the timely protection of those seeking refuge and possibly deterring new applicants. The number of refugees admitted to the US decreased from 68,426 in 2001 to 28,455 in 2003, but rebounded to around 53,000 in fiscal year 2004.

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<sup>5</sup> See testimonies from Secretary of State Colin Powell and Secretary of Homeland Security Tom Ridge from April 21, 2004 House Judiciary Committee oversight hearing, “Should the Congress extend the October, 2004 Statutory Deadline for Requiring Foreign Visitors to Present Biometric Passports?”

Beginning in March of 2003, the Department of Homeland Security has detained all asylum seekers from countries thought to have ties to the Al Qaeda terrorist network upon entering the US until their application is processed. This has been accompanied by more general use of detention. In 2002, 18,450 of 100,690 asylum seekers were detained. In 2003, the average length of stay for all immigration detainees was 64 days, while one study found that detained asylum seekers whose applications were eventually successful were held for an average of 10 months. About half of detained asylum seekers are held in county jails, where they are generally mixed with the general population (Frelick, 2005; USCIRF, 2005).

It is too early to say whether the administrative restructuring of the immigration functions of the Department of Homeland Security will itself have effects on individual groups of migrants, such as asylum seekers. Consistency in application of regulations, communication across agencies, and the priority given to human rights within the enforcement agencies must be continually re-evaluated as the Department matures. As an example of the potential negative implications of the restructuring, the first contact an asylum seeker has at the port of entry is now a Customs and Border Protection (CBP) inspector, whose job and training prior to restructuring may have been purely customs enforcement. If the migrant expresses intent to apply for asylum or a “fear of return to his or her country,” they are then referred to a US Citizenship and Immigration Services officer for asylum processing. The first-line inspectors are given discretion to decline referral if the fear is unrelated to criteria related to asylum. A study, conducted after restructuring, found that in 15 percent of cases observed, when a migrant expressed a fear to the inspector, the case was not referred. Disturbingly, in the majority of these cases the fear was related to asylum criteria, and in one entry point a few cases were observed in which CBP inspectors improperly encouraged asylum seekers to withdraw their applications (USCIRF, 2005). However, the changes in bureaucratic structure have not been identified as a factor in such problems.

The second major security initiative has been the effort to track the entry and exit of non-citizens. The United States Visitor and Immigration Status Indication Technology System (US-VISIT) which tracks the entry and exit of those who are not US citizens or permanent residents, has been in effect since January 2004. Under the current program, foreign visitors are required to have digital fingerscans and photographs taken upon their application for a visa (if necessary) and at entry at air, land, and sea ports. Their departure is confirmed by airline records, and the fingerscan and photo process will soon be required at departure as well. As of December 31, 2004, the system was operational at all airports and seaports, as well as the 50 busiest land ports, for entry control purposes only. The deadline for complete implementation across remaining land ports is December 31, 2005.

One significant concern with the US-VISIT program is its impact on cross-border commerce and travel. On the southern border, one interim solution to counter processing delays is the use of Border Crossing Cards, available to some Mexican citizens, which already capture the required biometric information. However, one of the more administratively challenging components of the US-VISIT program has been its

expansion to visitors from visa-waiver countries.<sup>6</sup> The US government has required all 27 so-called “visa waiver” countries to have the capability to issue machine-readable passports with biometric identifiers to their nationals by October 26, 2005, or lose the visa-free entry privilege. This deadline is the result of two previous extensions of the original October 2003 deadline. Even after these extensions, however, there is still concern over the ability of visa waiver countries to fully comply by the required date.

The US has also continued to experiment with domestic initiatives focused on non-citizens. Launched in December 2002, a domestic registration program – a component of a forerunner to US-VISIT called the National Security Entry-Exit Registration System (NSEERS) – required certain foreign visitors (not including US permanent residents) in the US to register with immigration officials periodically. The program consisted of two parts. The first component of the program required persons identified as security interests and all nationals of Iraq, Iran, Syria, Libya or Sudan to register with US officials upon entering the country, one month after entry, annually thereafter and upon departure. This entry-exit component of NSEERS was relatively uncontroversial. The domestic registration component required foreign visitors already in the country to register with immigration authorities. The government’s stated intent was to expand the program to all foreign visitors, but it was applied only to male nationals of 25 countries in which terrorist organizations were thought to be operating or other security concerns existed. With the exception of North Korea, all were predominantly Arab or Muslim countries. Some 80,000 people registered through this program. The use of nationality, rather than intelligence-based information about individuals, to select people for registration and poor administration of the program—which led to cases of wrongful detention of legal visitors—provoked public protest of the domestic registration component. The domestic registration component of the program was halted in April of 2003 and the ongoing registration requirements of the entry/exit registration component were later relaxed. Currently, individuals subject to registration may be required to appear for interviews, on a discretionary, individualized basis. The entry/exit registration component of the program has been largely replaced by the launch and expansion of the US-VISIT program.

### *Struggling to deal with unauthorized immigration in North America*

Security concerns have also played into the growing preoccupation in the United States over unauthorized immigration. With the best estimates placing the unauthorized resident population at about 10.3 million, unauthorized immigrants may account for nearly a third of the foreign-born population (Passel, 2005). Over half of the unauthorized population is thought to be Mexican. Three million of the unauthorized are

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<sup>6</sup> The US Visa Waiver programme enables citizens of certain countries to travel to the US for tourism or business for 90 days or less without obtaining a visa. At mid 2004, some 27 countries participated in the Visa Waiver programme: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, UK ([http://travel.state.gov/visa/tempvisitors\\_novisa\\_waiver.html](http://travel.state.gov/visa/tempvisitors_novisa_waiver.html))).

adult women and 1.7 million unauthorized immigrants are estimated to be children under 18. Despite increased efforts at border enforcement, the unauthorized population continues to grow at rates of about 500,000 people per year. About 400 Mexican migrants died attempting to cross the border in each of the last two years, according to Mexican consulates (Hendricks, 2005). The costs of unauthorized immigration, which include burdens on public health care, law enforcement problems, and environmental destruction caused during the act of crossing the border, are particularly concentrated in the Southwestern states. Meanwhile, many unauthorized families are firmly established in US society and unauthorized workers are clearly important to the US labor market, complicating the issue. “Mixed status” families in which the children are US citizens by birth but one or both parents are deportable unauthorized immigrants are common phenomena that further demonstrate the complex nature of the issue. US citizen children in families headed by unauthorized immigrants number some three million.

Early interest in the issue by the Bush administration began to grow within the context of the US-Mexico relationship. Despite an apparent initial rapport between the presidents of the two countries, talk of a comprehensive bilateral bargain on migration faded immediately after the September 11, 2001, terrorist attacks. However, interest in immigration reform continued to be pushed forward by a loose coalition of employer and agricultural interests, ethnic and immigrant advocacy groups, and labor unions. The issue also attracted the support of Congressional Democrats and many moderate Republicans, particularly among those representing Southwestern states. Discussions of a regularization program and expanded temporary worker program have resumed as a result of prominent announcements by President Bush. However, the Mexican government has not been a party to these reinvigorated conversations. Although the issue’s political future is far from clear, three elements have become the centerpiece of possible immigration policy reform in the United States:

- **The regularization of unauthorized immigrants:** There will be extensive debate about whether regularized immigrants will receive only temporary residence permits based on employment or a clear path toward legal permanent residence. In one variation of the latter, unauthorized immigrants might “earn” permanent residence through such behaviors as paying taxes and holding a steady job.
- **Future immigration flows:** An ongoing temporary worker program designed to meet demand for low skill workers is a crucial piece of all proposals to deal with unauthorized immigration. The size and sectoral extension of such a program—which in some scenarios might admit up to 500,000 workers per year—are controversial, as are the topics of whether permanent employment immigration and family reunification immigration might also be expanded.
- **Enforcement:** No clear model of how immigration law will be enforced and of how enforcement will be balanced with civil liberties and economic and social issues has emerged. The sequencing of enforcement and regularization efforts is also a point of controversy.

Trafficking and smuggling issues have also elicited increased policy and public attention across the United States, Canada, and Mexico since the turn of the millennium. The US, with the passage of the Victims of Trafficking and Violence Protection Act of 2000, criminalized the range of offenses involved in the trafficking. It also granted protections from prosecution and deportation to certain victims of trafficking. The act tasked the US State Department with monitoring anti-trafficking efforts by governments around the world.

The Canadian 2001 Immigration and Refugee Protection Act outlawed trafficking in persons and established severe criminal penalties for the offense. Recently, the country has also improved its prosecution of human traffickers, with a new anti-trafficking law enforcement division of the Royal Canadian Mounted Police. However, the country is still under pressure because of accusations that trafficking victims are unable to finish complicated requests for asylum before being deported (United States Department of State, 2004a, 2004b).

Even though offenders face high penalties and possibly jail, Mexico continues to be a source, transit, and destination country for the smuggling and trafficking of persons. It is struggling to come to terms with the growing problem of unauthorized migration across its southern border and a smaller, but significant, incidence of sea-based smuggling from South America. Meanwhile, efforts to bring order to Mexico's northern border have met with little success, particularly as human smuggling and trafficking operations have become aligned with an increasingly violent drug smuggling industry. There are a number of diverse trafficking patterns in Mexico, including the movement of an estimated 16,000-20,000 child sex victims and uncounted other laborers through the region. Baja California is considered to be the most vulnerable trafficking transit point, while the Arizona deserts continue to claim the most lives of would-be migrants (United States Department of State, 2004a).

Mexico does not yet fully comply with the minimum standards established by the UN for the elimination of trafficking. Scattered criminal cases have resulted in 85 convictions of traffickers through 2003. Despite these efforts, there are still major concerns about Mexico's ability to protect victims, including the presence of corrupt government officials and the lack of a comprehensive anti-trafficking law (United States Department of State, 2004b).

### ***The US-Mexico relationship***

The United States and Mexico have one of the most important—and most rocky—bilateral relationships on migration issues in the world. The North American Free Trade Agreement and cooperation on border security have contributed to a closer relationship between the two neighbors. The two have cooperated on efforts to prevent migrant deaths along the border and to smooth the flow of remittances. This has opened opportunities for more politically risky cooperation: Mexico, for example, cautiously allowed the US in 2004 to experiment with the voluntary repatriation of unauthorized

immigrants to the interior of Mexico, in an effort to discourage repeated attempts at border crossings.

Meanwhile, President Bush has made a social security “totalization” agreement with Mexico that will help workers get credit towards qualification in each country’s public pension systems for years worked in the other country. The agreement corrects an asymmetry in the NAFTA relationship and is similar to agreements the US has with 20 other countries, including most of its other top trading partners. However, the agreement may face resistance in the US Congress due to the political sensitivity of any measure that touches on the issue of unauthorized immigration from Mexico. The totalization agreement would not affect whether or not Mexican unauthorized immigrants can qualify for US Social Security benefits, but it conceivably could expand the number of workers who would be eligible for partial benefits were an immigrant regularization to be conducted in the future (Meyers, 2004).

Even these efforts represent a cooling of sorts, however. In 2001, President Bush and Mexican President Vicente Fox initiated migration-related negotiations, important to the US and at the top of Mexico’s foreign policy agenda. Prospects for a bilateral migration management strategy seemed strong when the terrorist attacks of September 11 quickly halted all discussions. The US embarked on a security campaign and the Fox administration became less aggressive in promoting a close bilateral relationship as it sought to rebuild domestic political support for its “coziness” with its northern neighbor. The relationship suddenly became strained, with disagreement over the Iraq war creating further friction.

When immigration reform discussions failed to resume, the Mexican Government decided to focus on strengthening its own immigration system (both enforcement and services) and on leveraging remittances sent from nationals working abroad. In the last year or so, Mexican officials have responded favorably to the tenor of US immigration reform discussions, while approaching public statements by US authorities with caution.

### **A survey of migration trends in Latin America and the Caribbean**

As stated at the outset, figures from 2000 suggest that 20 million of the estimated total 175 million migrants globally were born in Latin America or the Caribbean: seven million of them residing legally in the US; three million within Latin America and the Caribbean; and ten million in other parts of the world. Other popular destinations have been Spain, Italy, Canada, the Netherlands, the United Kingdom, Australia and Japan (ECLAC, 2002). In 2002, 5.9 million migrants representing 3.47 percent of the world’s migrant population lived in Latin America and the Caribbean (UN, 2003).

From the earliest days of colonization until the early 1970s, Latin America and the Caribbean attracted immigrants from around the world, especially from Spain, Italy, Portugal, and Japan but also from other European countries. Today, that pattern is largely reversed, with many former destination countries in Latin America seeing a marked

reduction in immigration due in part to economic problems, particularly in countries like Argentina and Venezuela. From 1995 to 2000, the net emigration rate for Latin America and the Caribbean was the highest of any region in the world. On average, one of every 1,000 people emigrated annually (UN, 2003). Today, migration is often inter-regional, and in some cases, has reversed the course of historical flows, as migrants with demonstrated familial roots in European countries and Japan have returned there under preferential terms.

For many decades, Latin American migration was fundamentally intra-regional, shaped by a variety of political and economic forces. In Central America, political violence in Nicaragua and El Salvador led to mass flight in the 1970s and 1980s, especially to Costa Rica (SIEMCA, 2004). The legacy of these emigrations remains. In 2000, the Costa Rican census counted nearly 300,000 immigrants. Nearly 75 percent came from Nicaragua (Villa and Pizarro, 2002). Today, Costa Rica, Belize<sup>7</sup> and Panama<sup>8</sup> are the three major immigrant-receiving countries in Central America. While for Costa Rica and Belize the main migrant flows are intra-regional, most immigrants in Panama are from South America and the Caribbean, as well as Asia.

In South America, dictatorships in the southern cone (Argentina, Brazil, Chile, Uruguay, Bolivia, and Paraguay) forced political opponents to leave, while the countries with more stable economic growth, including Argentina and Venezuela, attracted immigration. Indeed, in 1990, these two countries hosted nearly two-thirds of the Latin American migrants living outside their country of birth (Ibid).

Many trends observed in Latin America are also present in the Caribbean. Many of the 24 island nations of the Caribbean export a significant percentage of their working population, especially to the US and Canada. Sending roughly 72,000 migrants per year between 1995 and 2000, the region is characterized by one of the highest net emigration rates in the world. Although there is some intra-regional migration, such as between Haiti and the Dominican Republic, most countries have come to develop specific ties to the US, and to a lesser extent, to Canada (Thomas-Hope, 2002). As of the 2000 US Census, the stock of individuals from the Caribbean totaled 2,879,000 or 9.6 percent of the US foreign born population. Caribbean inflows into the US for permanent residency continue to be significant. At 96,380 in 2002, they were slightly fewer than the 103,550 registered in 2001.

The changing migration patterns in Latin America and the Caribbean are too complex to be described in detail here, but a few examples serve to demonstrate larger trends that are

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<sup>7</sup> Belize has the smallest population in the region and has a greater percentage of immigrant population: 15 of every 100 inhabitants were born abroad. During 2000, its population was 232,000, of which 34,000 were born abroad. In 1991, 74.3 percent of immigrants were Central American. In 2000, this rose to 75.6 percent, most of them from Guatemala (56 percent) and El Salvador (23 percent).

<sup>8</sup> In Panama, in 2000, three out of every 100 persons living there were immigrants (82,000 of 2.8 million); approximately 16 percent of them from Central America; almost half from South America (48.2 percent), the Colombians being the most numerous local group (55 percent). Immigration from the rest of the world, particularly Asia, increased from 21.9 percent in 1980 to 30.8 percent in 2000.

affecting the region. These include natural and economic crises, more gradual economic change, the feminization of migration flows, and changes in the destinations of Latin American emigrants.

### ***Emigration: the role of crisis and economic change***

Trends in emigration from Latin American and Caribbean countries can be traced quite clearly to specific crises, and less clearly to general economic and cultural changes.

One of the most obvious crisis factors has been the role of natural disasters and conflict. Hurricane Mitch in 1998 and earthquakes in 2001 have helped maintain emigration flows from Central America that began to grow as a result of earlier civil wars in the region. In 2000 Central Americans represented almost 7 percent of immigrants in the US. The total number of Central Americans in the US increased threefold during 1980-1990 and doubled between 1990 and 2000. (SIEMCA, 2004).

The US government has recognized the fact that these disasters have left the economies of the region "unable . . . to handle adequately the return" of their nationals and accordingly has allowed Nicaraguans, Salvadorans, and Hondurans of varying legal statuses to obtain temporary legal residence and work permission as a result. Approximately 82,000 Hondurans and 4,300 Nicaraguans have had their stays extended until July 2006 under these provisions, while approximately 250,000 Salvadorans have received extensions of their stay until September 2006 (USCIS, 2005).

### **The role of economic crisis in migration: examples from Argentina and Ecuador**

Economic crisis has also played a powerful role in migration. Few reversals of migration flows are as dramatic as that of Argentina, which was a magnet for migrants from surrounding countries such as Chile, Bolivia, Paraguay, and Peru during its economic boom in the 1990s. Its economic crisis that started in 2001 created a special set of international and regional migration patterns. The crisis also deeply affected neighboring Uruguay, with many of the same migration effects.

According to official estimates, in the two and a half years after the onset of the crisis, Argentina witnessed an exodus of 255,000 people, or roughly six times the total number of emigrants in the period 1993-2000. When pollsters asked the citizens of Latin American countries about their desire to emigrate, Argentina placed third. Thirty percent of Argentines polled indicated a strong desire to emigrate, trailing only Nicaragua (34 percent) and Columbia (32 percent) The most desired destinations of Argentines polled were Spain and Italy (Jachimowicz, 2003). As Argentina has recovered from the crisis, emigration has slowed and returns of emigrants have accelerated.

Those emigrating during the crisis included many descendants of European immigrants, who often made use of *jus sanguinis*-based citizenship systems to return to former countries of origin. In early 2003, Spain anticipated receiving nearly 400,000 applicants

for citizenship from Argentina alone (BBC News, 2003). Israel saw an increase in admissions from Argentina in 2002, when over 6,000 Argentine Jews arrived, up 330 percent from the previous year. Others migrated, legally or illegally, to the United States, leading the US to take Argentina and Uruguay off of its visa waiver list (Lichtblau et al. , 2002). Recent economic and political stability in Argentina, however, have reduced out-flows, which are now back to their pre-crisis level of around 1,500 departures registered annually (MOIA, 2004). Some recent immigrants to Argentina from other South American countries returned to their country of origin, but a significant number stayed. Meanwhile, the crisis also saw a number of young Argentines migrate temporarily to other countries in the region—including significantly poorer ones like Bolivia and Peru.

Ecuador provides another example of the complexity of migration patterns in Latin America and the importance of economic crisis. The country has yet to fully recover from an economic crisis that began in 1998, saw the economy contract 7% in 1999 and sent the *sucre*'s value into free-fall, leading the country to switch its currency to the dollar. According to the Ecuadorian Central Bank, 550,000 Ecuadorians have emigrated since the start of the economic crisis—including nearly a fifth of the working population—and migration continues despite moderately improved economic conditions. At the same time, Ecuador has received a substantial number of Colombians from the north and Peruvians from the south migrating for work (*El Comercio*, 2003).

Two interesting transformations have occurred in emigration from Ecuador that are also observed in other countries in South America. First, the major country of destination for Ecuadorians has apparently changed, with Spain now receiving the majority of Ecuadorian emigrants, replacing the United States as the top destination. (It is unclear whether this pattern continues following the imposition of a visa requirement on Ecuadorian citizens by Schengen countries in 2003). Ecuador also demonstrates another significant trend observed throughout Latin America: the importance of women in inter-regional migration. Women now are estimated to account for 47% of migrants from Ecuador, and their importance has grown as traditionally male migration within the region and to the United States has been complemented with migration to Spain: according to Ecuadorian government estimates, in 1997, 57% of Ecuadorian migrants to Spain were women, many of them destined for jobs in domestic services (EcuadorMigrante.org, 2004). Protection of migrants working in these jobs is a special challenge for consular representation, given that domestic work is marked by greater dispersion and isolation of workplaces, higher levels of informality and abuse, and that workers in this sector may face more difficulty documenting their work in case of regularization.

Both Argentina and Ecuador are clear cases in which economic crisis provoked emigration. In both, currency crises also played a role: remittances in dollars or Euros were particularly crucial for families whose savings and local wages had been drastically devalued by the collapse of the *peso* and *sucre*. Interestingly, emigration from Argentina has slowed as the country has recovered. In contrast, despite currency stability brought about by a painful dollarization process, emigration flows from Ecuador have been

sustained by less impressive economic growth, a more uncertain political situation, and generally lower levels of development.

### Changing patterns of immigration and emigration: Venezuela and Brazil

The attraction of Venezuela as a destination country has also waned. Fifty years ago, the country was a net importer of labor, especially from southern Europe, which supported its petroleum-based industrialization efforts. Of the estimated 335,000 immigrants at that time, roughly 70 percent came from Portugal, Spain and Italy (Massey et al., 1998). Subsequent economic growth in the 1970s encouraged immigration from other countries in the region, especially Colombia and, to a lesser extent, from Ecuador and Peru. Oil wealth sustained economic growth in Venezuela into the 1980s and made a closed, state-centered economic model viable for longer than in most Latin American countries, maintaining its attraction as a regional destination for migrants. This history is arguably a factor in Venezuela's comparative reticence in migration agreements—it has received special exemptions to Andean Community agreements on the issue (these agreements are discussed below), choosing to delay implementing some labor mobility provisions. However, the economic downturn that began in 1988 and sustained political instability that continues to the present day have greatly decreased immigration and increased emigration. Venezuelan immigrant flows to the US have increased accordingly: from 2,630 in 1995 to 5,259 in 2002 and Spain has become a major destination as well. Interestingly, unlike migrants to the US, who are primarily of urban origin, those who go to Spain are more likely to be from rural areas.

Like its northern neighbor, Brazil is also witnessing an emigration trend. The US has become one select destination, as legal and increasingly irregular immigrants make homes in states such as Florida, Massachusetts and New York. The stock of Brazilians in the United States has been rising, reaching 212,400 in 2000 from 82,500 in 1995 (Migration Information Source, n. d. -b) Portugal is another primary destination; Brazilians now make up 11 percent of the 191,000 legal immigrants in that country (Sopemi, 2001)

Brazilians as well as other Latin Americans of Japanese descent are also choosing to move to Japan, following the 1990 revision of Japan's Immigration Control Act (Papademetriou and Hamilton, 2000). In response to the growing number of visa overstayers, the Act increased opportunities for skilled and professional immigrants, provided for special technical training internships, and gave preferential access to descendants of Japanese emigrants. In 2000, Brazilians accounted for the largest foreign group in Japan, numbering 250,000, while Brazil hosts the largest Japanese population outside Japan. The deteriorating economic situation in Brazil and elsewhere, however, combined with Japanese recruitment efforts, have also enticed more South American workers of non-Japanese origin to the country. Peruvians, the second largest group, numbered 46,000 (Kashiwazaki, 2002).

### *The uncertain role of economic change*

Although acute economic crisis has a clear role in provoking emigration in Latin America, less agreed upon are the gradual effects of the broader trend of economic restructuring in the 1980's and 1990's. A study by Alejandro Portes and Kelly Hoffman (2004) identifies a series of major trends in employment in Latin America in the late 1990s and links them to changes in regional migration flows. With the notable exception of Argentina, public sector employment shrank across Latin America in the last two decades, as did opportunities more generally in the formal economy. A study by the UN Economic Commission for Latin America and the Caribbean (Solimano, 2002) finds that political instability, ineffective state institutions, and conflict spurred by growing inequality and ethnic tensions have created inhospitable conditions for economic stability. Some observers point out that international migration is a coping response to economic uncertainty and complements the growth in informal economic activities and small businesses. These observers also attribute high levels of Latin American emigration in part to free trade and decreased state intervention in the economy—both of which, although essential to growth, have led to more rapid change in Latin American economies.

Yet other interpretations point out that factors other than economic reforms may have a much more important role. Papademetriou (2004), in arguing that free trade as a result of NAFTA neither slowed nor spurred migration from Mexico, points out that migration is social network-driven process that exhibits considerable inertia. Thus, today's migration flows are built on those of previous decades, including those created by the collapse of the state-centered economic models prevalent through Latin America during the 1970's. In addition, most Latin American and Caribbean nations have seen large increases in their working-age population that are only now subsiding. Finally, changes in the demand for migrant labor in the developed world—as migrant labor has become a crucial piece of first the agricultural sector, and then the construction, cleaning, and domestic services sectors—also play a larger role in migration.

### **Emerging issues in migration management in Latin America and the Caribbean**

#### *Brain drain in the Caribbean*

Exceptionally high levels of emigration from their small populations have made the “brain drain,” or emigration of the most educated residents, an issue of particular relevance to many Caribbean nations. Roughly one-third of the region's college-educated and high-school educated citizens live in the United States, while comparable figures for Mexico and South America are under ten and five percent, respectively (Suro and Lowell, 2002). Jamaica and Haiti have sent two-thirds of their college graduates abroad, giving them some of the highest rates of emigration of the highly skilled in the world. Even in elaborations of theoretical economic models that postulate that the brain

drain can be directly *beneficial* to source countries, countries such as Jamaica are made unambiguously poorer (Beine, et al, 2002).

The “brain drain” is an issue with few satisfying policy responses, in the Caribbean as elsewhere. Remittances, business links, and knowledge and social transfers are the positive side of high skilled emigration. Policies designed to encourage the return of migrants or their involvement in local business or philanthropy are a first step, but so far have been limited in scale. Ultimately, one response may be a keener awareness of the relationship between education and migration, so that public expenditures in education can be better tailored toward reducing poverty and other national goals, while enabling private mechanisms to finance the education of those who are most likely to emigrate.

### ***The politics of asylum and immigration policy in the Caribbean***

The US continues to be the most desired destination for both Haitians and Cubans fleeing their countries. Sometimes arriving by boat and without authorization, the separate groups continue to be handled differently according to official US policy. Cubans who physically arrive on US soil are allowed to stay and request asylum. However, the US has a policy of returning Cubans intercepted at sea. Beyond this, under agreements signed with Cuba in 1994 and 1995, the US admits roughly 20,000 Cubans annually either as refugees or through regular immigration channels. In return, Cuba works to prevent its citizens from departing illegally for the US. In 2002, some 28,270 Cubans entered the US. The stock of the Cuban-born in the US as of 2002 was 919,000, and Cubans were the largest foreign-born group in the state of Florida, where the majority of them reside.

Haiti has passed through particularly grave times in recent years, as armed political transition was followed by catastrophic flooding. Fears that the unrest would cause massive refugee flows to the US and throughout the Caribbean were for the most part unrealized. Many, however, believe the absence of Haitian refugees in 2004 (compared to 1994, for example) was due more to the restrictive policies of the US and some Caribbean neighbors than to a lack of desire on the part of Haitians to flee their troubled country.

For Haitians, the US maintains a policy of either summary return or mandatory detention. If Haitians who are intercepted at sea express a clear fear of return, they may be interviewed and sent to the US naval base at Guantánamo Bay to have their case heard. Those individuals who are deemed to have a well-founded fear of persecution if returned are held at Guantánamo, where they wait for resettlement. Those who do not express a clear fear of return upon interdiction are sent back to Haiti. Haitians who request asylum upon reaching the US are detained until their case is determined.

Estimates suggest that there are one million Haitians living in the Dominican Republic, many illegally. The Dominican Government followed a harsh line during the most recent crisis; by most accounts either turning back Haitians at the border or forcibly returning

those that arrived on Dominican territory. The Bahamas also hosts a large number of Haitians, who comprise a significant proportion of its foreign-born population, but has in recent years followed the US policy of interdiction and return. Other neighbors, particularly Jamaica, have been more generous toward Haitian refugees during the current crisis, to the extent that resources and international assistance allow.

### *Unauthorized migration*

As in many other parts of the world, irregular migration appears to be increasing in the Latin American and Caribbean region. Migration continues to be identified by many citizens of Latin American societies as a better alternative to the conditions in the home country – often characterized by unstable economies, environmental threats and political unrest. The fact that migrant communities are well established in some destination countries and act as both “pull” and support for migration further contributes to the desire and ability to migrate. In part because legal channels for entry into potential destination countries are limited and remain selective on grounds of nationality, family ties, education and occupational status, irregular migration and its informal networks are increasingly employed.

The irregular movements that occur take different forms: a) exit from Latin American countries directly to destinations outside the region, mainly the US, Canada and western Europe; b) irregular movement within the region (e. g. Guatemalans to Mexico, or Bolivians to Argentina); and c) entry without authorization or under false premises into the region – notably through Caribbean and Central American countries – of persons from other regions (currently chiefly composed of persons from China en route to the US). Irregular migration affecting Latin America is thus multi-directional, and tends to follow the many of same observed patterns as regular migration.

Central American countries are the most immediate points of origin and transit for irregular migration northwards. Many Central Americans have migrated either legally to the US and Canada or are otherwise established there, and their success in the labor markets continues to draw others, often illegally. Recurrent droughts, the failure to find better prospects through internal and intra-regional migration, and the devastations of Hurricane Mitch and earthquakes have compounded reasons for emigration and made people more vulnerable to human smuggling and trafficking activities as a result.

Human trafficking and smuggling is an important issue throughout the region, with all Latin American countries being significant destination, transit or source countries for these activities (Mexico is all three, and most countries fit in at least two of the categories). Basic legal standards for prosecution of smuggling and trafficking have not been achieved universally despite being the focus of several regional consultative

processes, and many countries have few resources to dedicate to such problems—and in some cases, may face political pressure not to attack such problems directly.<sup>9</sup>

The Central American governments in particular are increasingly looking for ways to make border movements into, through and out of their countries more secure, partly relying on idea exchanges through mechanisms such as the Regional Conference on Migration (RCM), discussed below.<sup>10</sup> Pointing the way for others, Honduras, for example, is using cutting-edge technology to better secure its passport.

Argentina and Brazil, in particular, have struggled with the problem of large undocumented populations. Both have conducted regularization programs, both within and outside the context of Mercosur cooperation on the topic. Most recently, in January 2004, Argentina's government announced plans to reform its own immigration policy, simplifying the documentation process for citizens of the Mercosur region living in Argentina. While at the time of writing the specifics of the plan had yet to be determined, the reform was set to include a regularization program for unauthorized immigrants from neighboring countries, an estimated total of 700,000 individuals (Diario de la Sociedad Civil, 2004).

However, their experience shows that regularization in these countries is a very different project from the United States or even Western Europe, due to consistently low participation by unauthorized migrants. Argentina and Brazil have the most extensive history of regularization in the region, but only a fraction of even conservative estimates of the undocumented population have participated in the programs. Observers attribute this to the fact that regularization often requires migrants and/or employers to formalize their employment status and make social security contributions. Thus, participation in these regularization programs make little sense for unauthorized workers, most of whom find work in the large informal sectors commonly found in Latin American countries. Notably, in Argentina, at the same time that its most recent economic crisis was provoking emigration of both Argentines and foreigners from the country, sizeable populations of undocumented immigrants from Bolivia, Paraguay, Peru, and other countries of the region are thought to have remained.

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<sup>9</sup> As at July 2004, the following Latin American/Caribbean states had signed the UN *Convention Against Transnational Organized Crime*, 2000: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Following Latin American/Caribbean states had signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*: Argentina, Bolivia, Bosnia, Brazil, Colombia, Congo, Dominican Republic, Ecuador, Haiti, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela. Following states had signed the *Protocol against the Smuggling of Migrants by Land, Sea and Air*: Argentina, Bolivia, Dominican Republic, Ecuador, Haiti, Mexico, Panama, Peru, Uruguay and Venezuela.

<sup>10</sup> For example, under the Central American Commission of Directors of Migration (OCAM), and the Central American Migration Integration Plan, a project is being established for joint control of the Penas Blancas border crossing between Costa Rica and Nicaragua. In Jamaica, IOM is assisting the Government to improve the border management system and to deliver training as needed, in addition to updating its policy, legislative and regulatory frameworks. Similar assistance is being provided by IOM in the Bahamas, with added emphasis on human resource development and enhanced regional and extra-regional cooperation and information exchange.

### *Displaced persons and refugees*

Intra-regional displacements of persons is no longer a problem on the scale of the previous two decades. In the past, such displacements gave rise to highly complex patterns of migration. These patterns ranged from short-distance movements (e. g. Nicaraguans to Honduras and Costa Rica, Salvadorans to Costa Rica, and Haitians to the Dominican Republic), and medium and longer-distance movements (e. g. flight from various Central American countries to Mexico and the US, and from Haiti to the US and Venezuela). Today, the numbers of refugees fleeing from these regions have dropped considerably from the highs of the 1980s and early 1990s. According to UNHCR, as of 1 January 2002 the number of “persons of concern” to the organization for Latin America was 765,400. This was the second lowest number of persons of UNHCR concern for a region, compared to 8,820,700 in Asia, 4,855,400 in Europe, 4,173,500 in Africa, and 1,086,800 in Northern America. Only the 81,300 in Oceania is lower than the Latin American number (UNHCR, 2004).

By different measures, the region does not fare as well. For instance, at the end of 2002, there were an estimated 2.5 million internally displaced Colombians, one of the world’s largest IDP populations. In addition, more than 1.2 million Colombians have emigrated since 1997. This figure includes the nearly 400,000 Colombian refugees or those living in refugee-like circumstances within the region and in the US, of whom approximately 40,000 sought or were granted asylum in 2002.<sup>11</sup>

A significant number of Colombian asylum seekers have found their way to Ecuador. According to UNHCR, asylum applications by Colombians in Ecuador went from 68 in 1999 to 11,388 in 2003, creating a significant challenge. In recent years, Canada has started a “source country” resettlement program for Colombians. Through that program, Canada resettles Colombians in a refugee-like situation directly from Bogotá, a policy which is relatively uncommon within refugee resettlement processes.

### *Migration and economic development*

One of the emerging stories of Latin American and Caribbean migration is the role that **remittances** play in economic development. By some estimates, one in twenty households in Latin America benefit from remittances (International Herald Tribune, 2004). The countries of Latin America and the Caribbean received more than USD 38 billion in remittances in 2003, according to the Inter-American Development Bank (2004), an increase of 17.6 percent over 2002. These financial flows outstripped foreign direct investment and net official development assistance in that year. According to the IDB, the multiplier effects of remittances on local economies could further enhance their actual impact by a factor of three (IDB, 2004). Similarly, a 2003 study by the Pew Hispanic Center estimated that remittances to Mexico and Central America increased by

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<sup>11</sup> According to the US 2000 Census, there are roughly 509,800 immigrants from Colombia in the US. In 2002, 18,845 Colombians immigrated to the US, up from 16,730 the previous year.

28 percent between 2000 and 2001, rising to a total of USD 13 billion (Suro, 2003).<sup>12</sup> Although it is difficult to measure, this growth appears to be a result of increases in the number of migrants and an increase in remittances per migrant. According to the Pew Hispanic Center, estimated remittances to Central America per migrant in the US were \$1,260 per year in 2001, up from an average of \$950 per year over the period 1995 to 2001. Increased use of formal (rather than informal) money transfer options also plays a role in the increase in recorded flows.

The largest part of remittances to Latin America and the Caribbean was sent by migrants in the US, followed by those in Japan, Spain, Italy, Canada and countries within the region itself. Mexico is the largest total recipient, receiving some USD 13.2 billion in 2003, with other regional flows going to Central America (USD 6.5 billion), the Caribbean (USD 5.8 billion) and Andean countries (USD 6.2 billion). In six countries of the region, remittances represented more than 10 percent of total national income: Nicaragua (29.4 percent), Haiti (24.2 percent), Guyana (16.6 percent), El Salvador (15.1 percent), Jamaica (12.2 percent) and Honduras (11.5 percent) (Ibid).

The role of public policy in remittances is anything but clear, however. Reducing the cost of sending remittances has been a clear first priority. For example, the Inter-American Development bank estimates that the total cost of sending remittances to Latin America and the Caribbean reached \$4 billion in 2002, or about 12.5 percent of the remittance total for the region. The Pew Hispanic Center has estimated that the total cost of the average remittance transfer from the US to Latin America ranges between 15 and 20 percent of the total. Costs are particularly high because Latin American migrants tend to remit small amounts of money at regular intervals (on average, about \$200 sent about seven times a year), but pay fixed, per-transaction costs (Suro and Bendixen, 2003). However, improvements in the way financial sectors are regulated in migrant sending-countries, increased interest by large banks in providing remittance-sending and other services to migrants, and even cross-border mergers and alliances between banks have contributed to reductions in the cost of sending remittances in the region. Today, these services cost 5\$ to 10\$ where a \$20 to \$25 charge was common only a few years ago (Orozco 2002).

Another significant force related to remittances is philanthropy by migrants. The presence of large and well-established first and second generation migrant communities from Latin America and the Caribbean in the United States has been particularly conducive to the formation of “hometown associations.” These groups fund charity, development and public works projects—ranging from building churches or playgrounds to buying ambulances and investing in small business—in their place of origin. Increasingly, governments are interested in encouraging and tapping into these donations, which remain a very small (but poorly measured) percentage of remittances (see text box). However, the involvement of migrants is no “magic wand”—projects funded by

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<sup>12</sup> Figures for remittances in the same year vary according to the particular methodology used to measure them. The Pew Hispanic Center’s estimates, for example, use survey data and thus differ from those reported by national central banks.

migrants are susceptible to the same problems of poorly chosen goals, corruption, mismanagement and poor oversight as projects financed by other sources. When migrants have applicable skills or knowledge and take an active interest in such projects, outcomes may improve.

One of the most promising aspects of remittances in Latin America is their potential for extending formal financial services and financial literacy to more people. In the United States, major banks, encouraged by the Federal Reserve, have used low-cost remittance sending services as a way to market savings and checking accounts and loans to the most significant underserved markets for consumer banking services—immigrants and Hispanics. In Latin America, credit unions and microfinance institutions are in the early stages of a similar process of using remittances to “*bancarizar*” (in Spanish, “to bankarize”) the poor, and have also used anticipated remittance flows as security to expand their own credit. Remittances offer an opportunity to improve the financial literacy of both men and women, because the process effectively makes (at least) two people responsible for financial management of the family, and remittance sending and receiving is often a family’s first point of contact with a financial institution. The development of innovative financial services that meet the needs of families with migrants and the legal frameworks—both national and transnational—to accommodate them are one of the most promising ways to enhance the prosperity-boosting effects of migration in the region.

#### **Government involvement in migrant philanthropy: Mexico**

In Mexico, state governments have led involvement in philanthropy by migrants, with the federal government following their lead. Individual Mexican states have initiated many projects with migrant communities, including “Adopta una Comunidad” in Guanajuato (begun when Vicente Fox was Guanajuato’s governor). This program was expanded in early 2002 by President Fox to encompass the 90 Mexican regions (a total of 1,140 communities) with the highest emigration rates. Now also called the “Padrino program,” it is geared towards successful Mexican-American businesspeople, who are encouraged to invest in one or more of the over 1,000 projects identified by the Presidential Office for Mexicans Abroad in consultation with the local communities. Rather than merely write a check, “Padrinos” (“godfathers”) are encouraged to become personally involved in the projects, not only because personal involvement will often lead to further participation, but because many Mexican-Americans have previously been reluctant to support government-initiated development projects due to fears of corruption or of the money not reaching its intended recipients. Padrinos have responded positively to the direct links that are formed through the program between donors and recipients. Expatriates “see the program as an alternative to the traditional, and often unsuccessful, approach of pouring money into central governments and banks in poor countries with the hope that some jobs might result.”

In 2002, the program raised \$27 million for over 200 projects. Of this, 40 percent was directed toward employment-generating activities and the rest to increasing living standards through construction of schools, roads, health centers, potable water facilities and others. Some of the first Padrinos were the music group Los Tigres del Norte (school

construction), Mexican-American leadership staff in Tyson's Foods (donations to foster chicken farms) and UPS (scholarships). Other examples of "Padrinos" include an LA-based entrepreneur offering marketing skills to a struggling coffee cooperative in Chiapas, or the founder of a fast food chain donating just over \$50,000 to bring electricity to a small rural town in Oaxaca state.

Another state-level program that has expanded nationally is "Tres por Uno" pioneered in Zacatecas, in which the municipal, state and federal governments each matched collective remittances from migrant associations in the United States dollar for dollar, with funds destined to infrastructure and development projects chosen by local governments. So many migrant associations applied for matching funds that the state budget for the program was depleted and the match had to be suspended.

Source: Newland and Patrick (2005).

### *Consular services and documentation*

Growing awareness of the size of migration flows and the economic importance of remittances to Latin American and Caribbean countries has helped make the provision of a broad swath of consular services to their nationals abroad a growing priority for many countries in the Americas. Such efforts are increasingly seen as an economically and politically worthwhile investment. Mexico has been most visible in this regard through its network of 47 consulates in the United States. One of the more interesting examples of consular services has been the provision of consular identification cards to Mexican citizens. Increased awareness of security concerns and the need for personal identification following the September 11 attacks led to a surge in demand for the consular ID cards. For many unauthorized Mexican immigrants in the US (who may have left Mexico without a passport), these cards are their only form of identification. For others, the consular identification cards are a convenient, wallet-sized alternative to a passport and have the added benefit of not revealing the carrier's immigration status (O'Neil, 2003).

In 2002, Mexico issued over 1.4 million consular identification cards in the US, compared to the 664,000 issued worldwide in the previous year. Just as importantly, Mexican consulates focused on educating local governments, police departments, and businesses in the US about the card and its security features, leading to its use in law enforcement, in sending remittances and opening bank accounts, and in obtaining driver's licenses. Other Latin American countries have since made similar efforts to provide identification to their nationals who may not have or want to carry passports for various reasons. This issue—the provision of identification by consulates—is pertinent not only in the United States. Throughout the hemisphere, people who are "truly undocumented"—that is, they have neither legal immigration status nor identity documents from their home country, as in the case of many "Brasilguayos" (a local term for Brazilians resident in Paraguay)—are a small, but extremely vulnerable population.

Documentation is an important and difficult issue for other reasons. The documentation requirements of the most recent (2004-5) regularization program in Spain has placed pressure on the consulates of Latin American countries; the small Bolivian consulate in Madrid and local bureaucracies back in Bolivia have struggled to respond to a reported 400 requests for new identity documents and certificates of good conduct per day, provoking fears that the inadequacy of the Bolivian bureaucracy may prevent migrants from regularizing (El Deber, 2005a). The importance of documentation is underlined by ongoing concerns about corruption in the document-issuing process. In one ongoing investigation in Bolivia, domestic migration authorities have been charged with systematically charging \$170 to \$300 in bribes for granting a passport to Bolivian citizens. (El Deber, 2005b)

An even more important function of consulates is in supervising the treatment of migrant workers, whether they are working legally or illegally. Increasing the Mexican consular resources in rural areas of Canada, for example, has been cited by independent studies as a way to improve working conditions for workers in the countries' bilateral agricultural worker programs. In Central America, abuse of migrant workers is an even more pressing issue, and the creation of a consular liaison officer network and the integration of consular resources into worker protection agreements have been a priority in Puebla Process discussions (discussed below).

## **Regional management of migration in the Americas**

### ***The political geography of cooperative migration management***

A survey of the Americas finds a number of ongoing processes that seek to foster cooperation on migration, including several that operate at a multilateral level. In general, these can be divided into processes that emanate from free trade agreements and those whose focus is on migration in particular or who consider it as one subject in a multi-issue integration process. With some exceptions, the first approach's main priority is the movement of high-skilled, professional workers while the second and third consider a broader array of migration "problems."

Just as they are tied by several distinct "systems" of migration, the countries of the Americas are also tied by several distinct "systems" of migration management. The United States and Canada, with few exceptions, make policy almost exclusively unilaterally or through bilateral relationships with each other and with Mexico. The limited trilateral migration components of NAFTA are the only exception. In South America and the Caribbean, three major "common markets" have pushed quite aggressively to liberalize the movement of people and manage migration issues as part of a multi-issue agenda of integration—but implementation of these ambitions has been slow and uneven. There, regional consultations exclusively dealing with migration are relatively new and have yielded relatively little progress. This is not true of Central America and Mexico, where regional integration processes have largely been confined to

free-trade efforts. There, migration issues have instead been taken up in their own separate regional consultative process. Meanwhile, a network of regional and bilateral trade agreements, many of which have minor impacts on migration practices, ties the region.

### *Migration in free-trade discussions and common markets*

The Western Hemisphere contains several major multilateral trade agreements—the largest in terms of trade volume being the North American Free Trade Agreement (NAFTA) and the Central American Free Trade Agreement (CAFTA)—several smaller ones, and three “common markets”—Caricom, the Andean Community and Mercosur. These last processes have a broader policy agenda and more substantial process of ongoing consultation than do free trade agreements. Each of the free trade and community agreements contains some provisions pertaining to the movement of people as part of their effort to liberalize movement of economic inputs. The starting point for such agreements is the World Trade Organization’s (WTO) General Agreement in Trade in Services (GATS), which secures the entry of business visitors and workers for certain trade-related functions, including the provision of certain services.<sup>13</sup>

Such agreements are not intended to grant broad access of nationals of one country to the labor market of another, but rather to facilitate international trade in goods and services that requires the movement of key personnel. CAFTA and the core of Mercosur do not go beyond the GATS provisions, and it appears likely that the Free Trade Area of the Americas will not either, largely due to the reluctance of the United States to make any new commitments on the movement of people. Several smaller multilateral and bilateral agreements involving countries in the region, such as that between Mexico and the European Union, also fall into this category.

NAFTA and Caricom have a more significant impact on the movement of workers. Each of these agreements contains provisions that allow certain skilled workers access to the labor market of the other parties to the agreement without labor market tests, and not only for purposes of trade in services. In both cases, workers must meet certain educational requirements (generally at least a bachelor’s degree) and/or be employed in specified occupations in order to work in the other country. Several other agreements, including the Group of Three, Central America-Dominican Republic trade agreement and various bilateral agreements to which Mexico is a partner, also have provisions for labor market access by certain skilled workers.

The treatment of labor migration in trade agreements is modest in theory and effect due to the focus on the migration of professional workers (which are often accommodated in pre-existing national migration legislation (see the text box on the US-Chile trade agreement for an example). However, in several sub-regions, efforts to secure free trade

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<sup>13</sup> For example, the provision of the “service” of picking tomatoes would clearly *not* fall under such a definition of a service, while the provision of banking and other financial services would.

of goods and services have been carried out as part of a larger effort to create a common market or community, with more broadly harmonized policies. **The Caribbean Community (CARICOM)**, for example, has made the free movement of workers an explicit goal, and several classes of skilled workers, as well as business visitors and investors, have been granted the privilege of free movement and employment—although full implementation of the law by individual member states is lagging. These free movement ambitions have been backed by other community agreements on social benefit coverage and on the recognition of professional qualifications—although, again, implementation remains uneven.

The member states of the **Common Market of the South (MERCOSUR)**, although they have not pursued free movement for employment aggressively, did use the common forum to negotiate a reciprocal regularization of unauthorized immigrants involving the MERCOSUR members and the associated states of Bolivia and Chile in 2002. Two interesting points should be noticed about this regularization: first, that it closely followed bilateral regularization agreements involving some of the same states, and second, that participation in the program was far smaller than anticipated. The reasons for such apparently low participation have not been explored. Argentina followed this

#### **Migration in trade Agreements: US-Chile**

In an architecture that echoes that of both the GATS Mode 4 and many other trade agreements, the free trade agreement (FTA) that the United States and Chile signed in 2003 established free movement and temporary residence rights between the two countries for four classes of their nationals: business visitors not seeking employment in the other country, persons whose presence was necessary for trade or investment in the other country, employees transferred within a company, and professional workers with an employment offer in the other country. For the first three categories, there were existing provisions in both Chilean and US law and policy. For the last category, however, the FTA produced small changes in policy. Both countries now offer each other's nationals the opportunity to work, for a one-year period, renewable an unspecified number of times. Person entering under these provisions may be accompanied by their family and must hold a bachelor's or *licenciatura* degree (or equivalent education and experience) from a Chilean or US university. Implementation of these provisions required very few changes to Chilean law, as no quotas were imposed and these provisions closely parallel opportunities open to nationals of other countries.

In the United States, however, only 1400 new Chilean workers may enter per year under provisions created by the FTA. In implementing the FTA, the US Congress “carved out” this quota from the 65,000 “H1-B” visas allotted annually for high skill workers from all countries. Although skill requirements and the obligations for sponsoring employers are similar to those for Chileans under the FTA, general H1-B visa recipients receive an initial three year stay, renewable once. Chileans may apply for either type of visa, and renewals are not counted against the quota until the third year, meaning that the 1,400 quota set in the FTA creates a minimum number of visas available to Chileans, but does

not set an upper limit on entries of skilled Chilean workers. If less than 1,400 Chilean workers are admitted in a given year, unused slots are then returned to the general H1-B pool. In the year before the trade agreement went into effect, less than 1,400 Chilean workers entered under the general H1-B program. Because the FTA does not actually create an easier entry route for Chileans, it will not likely expand the number of Chileans working in the US, but it does protect their access from unpredictable changes in policy or job demand. In 2004, the combination of a lowered H1-B quota and an expanding US economy caused the H1-B quota of 65,000 to be filled mid-year, meaning that the FTA would have given Chileans an advantage in applying for work visas.

Sources: *Interpreters' Releases* (2004); US Public Law 108-77; Departamento de Extranjería y Migración de Chile.

agreement with a unilateral decision in 2004 not to expel unauthorized immigrants from bordering nations, four of the five of which are Mercosur member or associate states (Geronimi, 2004).

The **Andean Community** takes the most ambitious approach in the region, with provisions intended to liberalize service provision and the movement of intra-company transferees, professional workers, and temporary agricultural laborers, seeking to address labor protections for authorized and unauthorized migrant workers, aiming to liberalize labor migration in border regions, and establishing family reunification privileges. The majority of such measures were agreed upon in 2002. However, its first efforts at smoothing labor mobility began as early as 1973, and began to be supported with other measures in 1977, when the first measure granting migrant workers social benefits equal to those of national workers was agreed. The Andean Community has also introduced some novel ideas in its latest round of negotiations on labor mobility: For instance, skilled foreign workers are required to cooperate in programs to train national workers, upon request by their employers or national authorities. However, indications are that implementation of Andean Community legislation in national legislation and administrative practice has fallen short: for example, the right of foreigners to participate in labor unions, guaranteed by Community agreement, was still prohibited in some national legislation long after the required implementation date (Torales, et al. 2003).

### ***Bilateral migration agreements***

The Western Hemisphere is also host to numerous bilateral agreements specifically dealing with migration. Latin American countries have signed more than 143 agreements on migration since 1948 (IOM, 2003).<sup>14</sup> Of the 67 signed between 1991 and 2000, 28 have been among Latin American countries and 39 with countries from outside this region (see Table 1). The International Organization for Migration notes that the use of

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<sup>14</sup> Source: IOM, *World Migration 2003*, Table 10. 1. The section of *World Migration 2003* dealing with agreements on migration in Latin America includes agreements on extraditions in its tally of bilateral agreements. For the purposes of this paper, extradition agreements are excluded.

bilateral agreements has been accelerating in the region, and specifically that readmission agreements signed with countries outside the region have become more common.

**Table 1. Bilateral migration agreements in Latin America, 1991-2000<sup>14</sup>**

Primary Purpose	Between Latin American Countries	Between Latin American and Other Countries
Readmission	0	9
Regularization	5	1
Free movement	13	18
Labor agreement	5	5
Assisted return	5	1
Migrant protection	0	3
General agreement	0	2
Total	28	39

### **Bilateral migration accords with Spain**

**Spain** has signed bilateral agreements with **Ecuador** (2001), **Colombia** (2001) and the **Dominican Republic** (2002) governing the admission of workers. These agreements were negotiated in the context of significant irregular immigration (the negotiation of the Spain-Ecuador agreement, for example, was concurrent to the regularization of 24,352 Ecuadorians in Spain and prior to Ecuador being removed from the list of countries receiving visa-free entry to Spain). Important aspects of the agreements and their implementation include:

- a readmission agreement
- a mechanism for screening and pre-selecting workers, by either a Spanish or binational commission in response to requests by employers for either specific skill sets or a particular worker, with final selection by the employer
- provisions for the admission of workers as seasonal workers, longer-term workers, or persons seeking employment in domestic services
- statements on working conditions and social security
- provisions barring migrants who overstay from future participation
- a commitment (largely unrealized) to supporting the productive return and training of returning migrants
- efforts (supported by IOM) to streamline and cut the costs of application and transport.

The flows created by these agreements have been small, particularly compared to estimates that 350,000 Ecuadorians are resident irregularly in Spain. The small number of work permits granted to non-EU foreigners in general is partly to blame, but so too is the time and effort involved in the official recruiting process, which restricts use of the program to larger businesses, some of whom recruit large numbers of workers. The bilateral accords specify neither a minimum nor a maximum number

of workers from each country, and Colombian and Ecuadorian workers must compete not only with workers from other countries (many of whom have lower transport costs and other advantages), but also their co-nationals already working or looking for work irregularly in Spain.

**Table 2. Newly authorized temporary workers in Spain, 2002-2003.**

	Seasonal Workers		Stable workers		Domestic services job searcher	
	2002	2003	2002	2003	2002	2003
	Colombia	547	1,531	585	400	-
Ecuador	180	49	758	434	163	197
All countries	10,520	21,498	3,394	3,490	-	-

*Source: Geronimi, Cachón, and Texidó, 2003*

### ***Regional consultative processes***

Central America has been among the first areas of the world to develop a multilateral consultative process focused strictly on migration. In part, this reflects the fact that the sub-region’s movement toward a “community” or “common market—the Central American Common Market—largely stalled during the 1980’s and 1990’s. As a result, migration and other social issues never became institutionally linked to trade discussions, as in the Caribbean and South America. Instead, a variety of regional discussion fora have been created to deal with the issue. The Central American Commission of Directors-General of Migration (OCAM) was begun in 1990 under the auspices of the Central American System for Integration (Government of Costa Rica, 2001). OCAM has since been adopted into the framework of the Regional Conference on Migration (commonly called the Puebla Process), which brings together the countries of Central and North America, as well as the Dominican Republic, in regular migration-specific political dialogue.<sup>15</sup>

The Puebla Process, begun in 1996, consolidated a number of existing dialogues on migration. It has a permanent technical secretariat to coordinate its information exchange and research activities, in which the IOM plays a significant role, and the United States and Canada have provided financial support and technical expertise for many of its training programs. The control of human smuggling, trafficking and irregular migration and the modernization of border controls placed high in the Puebla Process’s initial policy priorities, but other issues, such as the delivery of consular protection and services or the reintegration of returned migrants, have also received attention. OCAM has been

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<sup>15</sup> The current member countries of the Puebla Process are Belize, Canada, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the United States.

joined in the Puebla Process framework by other networks, including a network of consular protection liaison officers and a network of civil society organizations working on migrant protection. In addition to exchanging information on national legislation and policy on a variety of topics, countries of the Puebla Process also exchange statistical information through a Statistical Information System for Migration in Central America (SIEMCA).

The Puebla Process's information exchange, training, research, and political direction-setting all aspire to be multilateral, but the majority of incremental policy changes that has enabled are implemented unilaterally or through cooperation that is basically bilateral, although assisted by the Technical Secretariat. Such initiatives include agreement on border-area worker mobility, documentation, and protection of the rights of migrant laborers and consular protection.

### **Conclusion: prospects for cooperation and key issues for the future**

A few trends in migration policy in the Americas seem likely only to grow. The first is the preoccupation with security in migration policy in North America. Migrants in North American countries are likely to face increased scrutiny, both when they initially cross the border and during their residence. This policy trend has a counterpart in other countries in the increased awareness of documentation and identification needs. If countries can provide their nationals with trustworthy identification *and* convince authorities, businesses and the public in the destination country of their reliability, disruptive effects on the movement and residence of their nationals abroad can be minimized. Such efforts require not only investment of resources, but also international coordination. Realistic common standards on not just passport technology, but also consular identification, background verification, and privacy protections might help the process of creating better confidence in the area of security more efficient and effective all around.

Cooperation on security matters will also be important in several other matters. The benefits of cooperation on migration controls are most obvious on the US-Canada and US-Mexico borders, where certain goods and people are pre-certified before crossing the border to speed their transit, and cooperation has helped fight criminal syndicates exploiting the border regions. Certifying a person's identity and good conduct before participation in a regularization program or a large scale temporary work migration program is another area where enormous benefits could be reaped from international coordination. There are numerous other areas—such as arranging health care insurance, repatriation insurance, or pension coverage for migrant workers and monitoring workers' rights—where the interests of countries at both ends of migration flows will coincide.

An issue that has been only lightly touched upon in this essay, but that is important to migration management throughout the Americas is that of circularity in migration, in which a migrant makes multiple trips of short duration from his or her country of permanent residence to another country, usually for work. In many areas of the

Americas, this “sojourner” migration appears to be on the decline, with longer stays and the more permanent migration of entire families becoming more common. One factor in this trend may be the increased regulation and control of migration: the greater the risk and expense involved in crossing the border, the less practical is a strategy involving multiple trips. Establishing migrant admission regimes that accommodate this migration pattern by granting predictable, regular access to the labor market of another state may be one of the most crucial steps toward reducing unauthorized immigration and associated trafficking and smuggling of persons.

Predictability has been an important goal of much international cooperation on migration so far. In free trade agreements, bilateral migration agreements, and common markets, the benefit of international cooperation has most often not been a change in the quantity or nature of migration, but the extension of predictability, legal protections, and institutional support to existing flows. This should continue to be the goal of international cooperation efforts, no matter what form they take, along with insuring a smooth flow of information and coordination among the different national agencies directly and indirectly relevant to migration.

Finally, efforts at better managing migration in the Americas should not be purely government-led. The involvement of non-governmental organizations in protection of migrants is an area where need for the assistance of private actors is most obvious, but the importance of business is perhaps under-recognized. The example of the remittances and financial services industry is one excellent example of progress from and the potential of private sector actors. The remittance market in the Americas, in particular, has matured and reduced costs in the past decade. Factors associated with this improvement include national level reforms in the regulation of banking sectors, multinational mergers of banks, and an increasing awareness of mainstream financial services providers of the needs of an untapped market of immigrants. Migrants, their families and those who may be planning to migrate, have need of more than just the ability to transmit money, however. National level reforms that increase access to credit, insurance, and investment options will improve peoples’ livelihoods whether they move internationally or not. Beyond this, the development of cross-national financial products—which may require some type of cross-national legal framework—could be a breakthrough in better serving migrants<sup>16</sup>.

Each of these issues is highly relevant to the possibility of immigration policy reform in the United States. The extraordinary migration ties between the US and all parts of Latin America and the Caribbean mean that major legislative change in the US would alter the picture of migration across the hemisphere as no other single factor could. Any one piece of reforms being discussed—regularization, expansion of temporary or permanent immigration opportunities, or changes in immigration enforcement—would touch the lives of millions of people and have significant economic impacts across the hemisphere. A package of changes strong enough to help control illegal immigration in its various

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<sup>16</sup> A hypothetical example of such a service might be the ability to use a credit history earned in one country or collateral owned in one country to obtain a loan to start a business another country.

forms faces enormous hurdles, both political and practical. International cooperation is unlikely to help smooth the political path toward better immigration policy, but cooperation with and active engagement by other countries in the Americas on issues of mutual concern may be able to provide better solutions to many of the practical problems, before, during, and after any immigration policy reform.

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