

# NAFTA: Immigration Issues Must Be Addressed

*Alan C. Nelson\**

Recently President Clinton won a major victory in convincing Congress to approve NAFTA. For the month preceding the final NAFTA vote, there was strong debate and serious division of opinion as to whether a free trade agreement with Mexico and Canada would be in the best interest of the United States. Now that the decision has been made to go forward, it is essential that NAFTA be implemented in a reasonable and effective manner so that we realize the expected benefits and avoid the threatened deficiencies of such an agreement.

In the debate, proponents of NAFTA claimed that a new Western Hemisphere order will be created and a vast new market will be opened up. Opponents, on the other hand, asserted that millions of U.S. jobs will be lost to low-cost Mexican labor. The debate was vigorous. However, the issues were not entirely clear in many cases. Of particular concern was the fact that immigration was not addressed in the NAFTA negotiations and was rarely discussed as part of the NAFTA debate.

How can the United States and Mexico, with a 2,000 mile common border, a combined population of over 300 million people, and an annual flow of legal and illegal entrants in the millions, not openly deal with the subject of immigration? This question is particularly vital in the case of illegal immigration, which can undercut any trade agreement and seriously impact the relations between the two countries.

President Salinas of Mexico repeatedly has stated that free trade will prevent large-scale migration of Mexicans to the United States looking for jobs. He emphasizes that "Mexico wants to export its goods and not its people." If Salinas is correct, a strong argument is made for NAFTA. If not, the United States could lose jobs, both

---

\* Former Commissioner of the United States Immigration and Naturalization Service, 1982-1989. Currently a consultant on immigration policy in Sacramento, California.

because of free trade and increased illegal immigration from Mexico.

Since both the United States and Mexico agree that migration is an important matter, the two countries easily can agree to joint efforts to combat illegal immigration as part of the implementation of NAFTA. Frankly, it was very naive for former President Bush not to insist that immigration issues be on the negotiating table. It was also naive for President Clinton not to require inclusion of immigration issues. Congress lost a great deal of leverage by not insisting that illegal immigration issues be resolved, or that commitments be received from Mexico, before approving NAFTA. While the United States missed several opportunities in the past, the long term implementation of NAFTA still presents an opportunity for the United States and Mexico to deal effectively with the immigration issue. Such joint actions can remove illegal immigration as a potentially cancerous tumor to the effective implementation of NAFTA.

Illegal immigration from Mexico steadily increased over the years but was dramatically reduced between 1986 and 1989, due to passage of the Immigration Reform and Control Act of 1986. However, illegal flow has increased in the past four years, again exceeding 1 million annually. Illegal immigration impacts not only the U.S. job market, but also other aspects of society such as welfare, crime, education, and the environment.

There are several immigration issues that must be addressed before NAFTA can be implemented effectively. Direct U.S. actions must be taken to protect U.S. jobs. In addition, joint U.S. - Mexico agreed actions must be taken to prevent illegal immigration.

### I. DIRECT U.S. ACTIONS

To make NAFTA viable, the Congress and President Clinton must commit to several immediate internal U.S. steps regarding jobs. These steps include maintaining and strengthening employer sanctions, improving worker identification systems, and transferring jobs held by illegal aliens to legal U.S. workers.

In addition to these U.S. actions preventing illegal immigrants from taking U.S. jobs, the message for trade is clear. We let the American public and Mexico know that jobs are an element to be dealt with in order for a free trade agreement to work. This includes both the assurance that potential job relocation from the U.S. to Mexico will be addressed and that illegal alien labor will not be tolerated in this country.

## II. JOINT U.S. - MEXICO AGREED ACTIONS

The United States and Mexico must also agree to joint actions to prevent illegal immigration. These actions include establishing border crossing fees, returning illegal Mexican entrants to their homes, and enhancing law enforcement along the border.

### A. *Border Crossing Fees*

With the millions of annual land border crossings between the United States and Mexico, a nominal crossing fee would generate huge revenues for both countries. Such fees actually could enhance legal travel and commerce, since border traffic and processing delays could be reduced with the addition of more staff and equipment. This also would result in greater prevention of the entry of illegal aliens, narcotics, and other contraband.

Some may argue that such fees would be considered anti-Mexican. However, this argument fails with the simple proposition that fees would be shared between the United States and Mexico. Fees from U.S. - Canadian crossings would also be shared with Canada.

For example, a fee of \$1 per border crossing both ways (the same toll for a round trip bridge crossing between San Francisco and Oakland) would generate some \$500 million in revenue per year. The U.S. share could fund thousands of additional immigration and customs inspectors, border patrol agents, and other officials. Such funds also could be utilized to obtain high-tech fingerprint readers and detection devices to help ensure only legal entry of people and products.

On the Mexican side, the infusion of such additional funds can create jobs. These jobs could be directed toward many purposes, including patrolling the border to reduce robberies, rape, and violence. Some of these funds also could be used to pay for returning Mexicans apprehended at the border to their homes.

### B. *Return of Illegal Mexican Entrants to Their Homes*

The great majority of Mexicans reside in the interior of Mexico, a thousand miles from the U.S. border. After being apprehended attempting to enter the United States, such illegal entrants should be transported back to their interior homes, rather than released across the border only to repeat illegal entry into the United States until they succeed.

A typical scenario involves a person from Mexico's interior who spends his savings to purchase a one-way bus or train ticket to

Tijuana. The purpose of the trip is obvious and it is not for a special hotel vacation to the Pacific! The balance of funds are spent to pay a smuggler to accomplish the illegal entry. Often a smuggler will guarantee successful entry or at least a number of attempts. Thus, currently people are encouraged to stay in the border area and persist in their efforts to illegally enter the United States.

This phenomenon must be reversed to effectively slow illegal immigration. The best method is to transport the apprehended individuals back to their homes in the interior of Mexico, an approach that was successfully utilized in previous times.

The impact is obvious. People are returned to their homes and reunited with their families. The cost and difficulty of another long trip to the border is a significant deterrent. With fewer crossers congregating at the borders, more attention can be paid to arresting and incarcerating smugglers and those making repeat illegal entries. This increased effectiveness is a further deterrent since the chance of successful entry is reduced. The United States and Mexico can easily agree to reinstate such a "return-home program" and pay for it from border crossing fees.

### *C. Law Enforcement at the Border*

Our countries also must commit to enhancing law enforcement efforts on both sides of the border. One important step involves joint U.S. - Mexico efforts to arrest, prosecute, and incarcerate smugglers. Another important step involves reducing violence at the border.

## CONCLUSION

NAFTA has great long-term significance for the United States, Mexico, and Canada. Illegal immigration cannot be ignored. It is in our mutual interest to face all the difficult problems up front — otherwise much greater consequences will arise later.

Immigration, particularly illegal immigration, is inseparably tied to trade, commerce, and investment. A sound immigration relationship builds our mutual friendship and interdependence. Closing the back door of illegal immigration will help U.S. workers, will prevent an increase in illegal Mexican immigration to the United States, and will solidify a legal system of immigration.

It is time for the United States to notify Mexico that a free trade agreement cannot work if Mexico continues its long-standing policy of using the United States as a safety-valve for its unemployed work-

ers. If the United States insists on Mexican cooperation, illegal immigration will, in fact, be significantly reduced.

If the United States fails to insist that immigration reform be inseparably tied to NAFTA from the beginning, we will be the losers on several fronts. Some U.S. jobs will be lost by reason of the agreement itself; illegal immigration will increase with an agreement, at least for the next fifteen years; Mexico will have no incentive to limit its actions to the terms of an agreement, because the safety-valve of illegal U.S. jobs will supplement its economy. These factors will undercut NAFTA and the benefits it can bring to all three countries.

If the United States insists that immigration issues be openly dealt with, Mexico will agree to cooperate. We will then have established a solid foundation for trade and economic development over the decades ahead.

