

MIGRATION AND BORDERS IN NORTH AMERICA  
VIEWS FROM THE TWENTY-FIRST CENTURY

UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO  
CENTRO DE INVESTIGACIONES SOBRE AMÉRICA DEL NORTE  
COORDINACIÓN DE HUMANIDADES

**MIGRATION AND BORDERS  
IN NORTH AMERICA  
VIEWS FROM THE TWENTY-FIRST CENTURY**

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UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO  
Centro de Investigaciones sobre América del Norte

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## INTRODUCTION

In 2017, the University of Toronto Munk School of Global Affairs and Public Policy invited the Centro de Investigaciones sobre América del Norte (CISAN) of the Universidad Nacional Autónoma de México (UNAM) and the University of Michigan Gerald R. Ford School of Public Policy to join in a great tri-annual and tri-national initiative to study current relevant topics about the North American region in the North American Colloquium.

This project seemed fundamental to the CISAN because its mission is to study the United States and Canada and their relations with Mexico. Therefore, the North American Colloquium represents the opportunity to establish a long-term dialogue with colleagues working with similar or parallel subjects in their day-to-day research. Hence, it serves as host to a genuine spirit of open dialogue for all to understand the regional perspective from each of our national realities, based on the notion that a region is not made up solely of the institutions that decided we would become a commercial and economic region, but also by the communities inhabiting those regions and the dialogues that they decide to undertake.

The North American Colloquium has developed in turbulent times for the region. In 2018, the first part of this reflection was carried out by academics, agents of industry, and makers of public policies around the bargaining over the USMCA (previously known as NAFTA), which at that time did not have a name, for the bargaining had not yet concluded. Immediately thereafter, a decisive moment arose when Mexico became the country where numerous groups of Central American immigrants (known as the “caravans”) headed north, making the Mexico-United States border the focus of media and public attention. Precisely, the topic of the 2019 colloquium was borders and migration from our tri-national perspective. Regardless of the confinement experienced worldwide today, the third edition of the North American Colloquium

is being organized from Michigan with the environment as the most relevant line of inquiry.

In addition, this has all happened in the framework of the CISAN's thirtieth anniversary, parallel to the *2501 Migrantes* art exhibition, the most important and ambitious sculptural work of the twenty-first century in the whole Western Hemisphere. This is a different way of approaching migration, as an emotional force with the social commitment of the artist.

This book represents a journey that, from the second decade of the twenty-first century, presents innovative interpretations of migration and the conception of borders in North America. It is the result of the spirit that conceived the colloquium and the open dialogues that developed at San Ildefonso College.

The book has twelve chapters, which look at different aspects of U.S., Canadian, and Mexican migratory policies, as well as some that deal with Mexico-U.S. border management. We also include chapters on social and cultural issues in order to achieve a pluri- and interdisciplinary vision from academics from the three countries. Despite having made a broad, ambitious call, we recognize that it was not possible to bring together academics specialized in certain topics important for understanding these migratory policies and border issues, which are not included. However, we believe that this book includes important issues among the themes proposed in the colloquium meeting and that it will enrich knowledge about the North American region. Using the essays that were presented and duly peer reviewed, we have divided the book into four sections: "Canada"; "United States/Mexico Migration Trends, Policies, and Border Management"; "Cultural Representations through Cinema and Narratives"; and "History as an Epilogue." In the "Canada" section, we include three chapters that analyze Trump's immigration policy and its consequences for undocumented migration to Canada, trends in Mexican migration to Canada, and skilled migration in North America.

The first chapter, "Weathering the (Northern) Storm: Trump Administration Immigration Policies, Irregular Migration to Canada, and Consequences for Solidarity and Responsibility-Sharing with Latin America," by Craig Damian Smith, deals with harsh and militarized immigration, asylum, and border policies, all cornerstones of Trump's presidential campaign and, indeed, his presidency. Once in office, a series of domestic executive orders and foreign policy initiatives effectively gutted the U.S. asylum system, abandoned the international



refugee regime, and coerced neighboring states into containing migrants and asylum seekers. Latin America bore the brunt of these policies. However, domestic immigration enforcement and changes to the U.S. asylum system also had major effects on Canada, the United States' northern neighbor. Beginning in 2016, Canada began to experience its first sustained flow of irregular migrants claiming asylum at the Canada/U.S. land border. Almost 60,000 people claimed asylum at the border between January 2017 and April 2020. While the flow combined those who had resided in the United States and those who used it as a transit state, the opening of the route can be attributed to Trump administration policies, which created a climate of fear for U.S. residents with precarious immigration status and acted as a catalyst for their mobility. On the other hand, the Roxham Road route, on the New York-Quebec border, was possible given a "loophole" in the bilateral Canada-U.S. Safe Third Country Agreement (STCA), which allows people to claim asylum if they cross between regular ports of entry. In contrast to Mexico and Central American countries, Canada was able to avoid retributive policy responses by charting a middle path between abandoning the STCA, given the blatant lack of protection in the U.S. and securitizing the border to keep asylum seekers out. Maintaining the status quo meant that Roxham Road became a *de facto* humanitarian corridor for U.S. residents with precarious immigration status. While this was a positive outcome for asylum seekers, Canada all but abandoned solidarity with Latin America. Canada's middle path is thus ethically ambiguous at best and has significant consequences for solidarity and responsibility-sharing with fragile states hosting large numbers of migrants and asylum seekers in Latin America.

Jeffrey G. Reitz and Melissa H. Jasso contribute the essay "Mexican Migration to Canada: Trends and Prospects," acknowledging that Mexican migration to Canada, tiny relative to the flow to the U.S., has been growing over the past several decades. It is highly skilled migration, unlike its counterpart in the U.S. Still, highly skilled Mexicans also migrate to the U.S., and we can ask whether those who seek employment abroad prefer the U.S. or Canada, and why. Of course, the U.S. is a destination of choice for immigrants from many countries, and economic considerations suggest that this may be even more at the high-skill level than at low-skill levels. In addition, in the case of Mexico, the long-standing migration between the two countries has accelerated over recent decades, so powerful networks of chain migration exist

that also favor the U.S. The authors also consider that if skilled migration has been increasing, why is it happening? Answering this question may tell us whether it will continue or accelerate in the future. It also may help indicate possible policy interventions, to facilitate this migration stream. This history of Canadian immigration shows many efforts to control the origins/mix of immigration, and the policy question is whether Mexico represents a contemporary migration opportunity for Canada. Preliminary results of interviews with university-educated Mexicans indicate opportunities to increase skilled Mexican migration to Canada. While U.S. cities, especially in California and Texas, dominate most Mexicans' thinking about migration, Canada is viewed very positively for its social climate and is competitive with northern U.S. cities, particularly Chicago and New York.

Camelia Tigau's essay "Brain Gain in North America: Changes in a Long-Term Paradigm" advances on the hypothesis of a possible change of paradigm in the history of skilled migration, given that foreign human capital has been questioned recently by populist leaders in main destination countries like the U.S., but approved because of its economic advantages in alternative destinations like Canada. Considering that the U.S. has been the leading country in attracting talent since the World War II, a change in its skilled migration policy has regional and global outcomes in the policies of competing destination countries. Tigau's research is based on a mixed methodology that includes historical evidence from migration legislation in North America as well as qualitative data analysis around the brain gain vs. brain drain dichotomy in organizational and media reports. Findings confirm the relevance of discussing meritocracy as a selection strategy in migration policy, as well as the need for further research on domestic brain drain and brain waste as a cause for regional underdevelopment.

The second section, "United States/Mexico Migration Trends, Policies, and Border Management," includes several chapters, described as follows:

In her essay, "Trump's Asylum Ban and the López Obrador Response," Mónica Vereá examines the different measures imposed by the Trump administration during his four years in power to limit the admission of asylum seekers. The asylum ban was consistent with Trump's anti-immigrant agenda and has made it almost impossible to gain asylum in the United States. Vereá argues that the imposition of the Migrant Protections Protocols (MPP, also known as "Remain in Mexico") and López Obrador's response with a

bilateral agreement have made Mexico into a buffer zone for its northern neighbor, a virtual wall, where inexperienced Mexican national guards function as border patrols, stopping and detaining migrants coming mainly from Central America, at a very high cost in economic, political, social, and humanitarian terms.

In Ariadna Estévez's essay "Pockets of Disposability: Border Cities as Open-Air Jails for Asylum-Seekers," she explains how—without jobs, money, or any kind of certainty—deported migrants or those waiting for the resolution of their asylum applications find temporary shelter on the banks of rivers, under bridges, or inside drainage pipes in border cities like Tijuana. These spaces constitute a specially contained legal and social limbo, giving rise to precarious conditions that, at the same time, can lead to death or illness. This chapter describes and conceptualizes these outdoors jails for asylum seekers and other displaced people as "disposable holdalls." They are the consequence of policies and laws for migration and asylum in the United States. Other cities in Europe and South America are described as well to generalize this conceptualization.

The chapter about "Detained Migrant Children: Illegal, Discriminatory, and Racialized Norms in Mexico and the United States," by Elisa Ortega Velázquez, states that the political imperative of controlling irregular migration prevails over unaccompanied migrant children's right not to be detained and to be treated with dignity, regardless of the country and its formal respect for international human rights law. Firstly, the author studies the principle of unaccompanied migrant children's non-detention under international law. However, while she asserts that principle, she also recognizes that, in practice, migrant children are detained. In this regard, she states that, if they are detained, it should be as a last possible resort and certain guarantees should be established. Secondly, the article analyzes the detention system for migrant children in Mexico, where immigration law and policy legalize it, but where on numerous levels (international, constitutional, and federal) the laws protecting children's rights forbid it and assert the principle of non-detention of migrant children. Thirdly, the author examines the U.S. detention system, which openly puts the priority on control of the border regarding children's rights, given that the right for children not to be detained is not even mentioned in the Constitution. In the United States, the detention system for unaccompanied migrant children is completely legal, but it is "shielded" by a series of

legal guarantees that require the detention to be the least onerous possible for the children. Fourthly, she concludes that neither Mexico nor the United States grants effective protection to unaccompanied migrant children, but rather criminalizes them and deals with them under illegal, discriminatory, and racist standards, which are inconsistent with the human rights put forward by the international system.

The starting point of David Tobasura Morales, Soleil Gómez Velásquez, and Berta Guevara in their chapter “Migration Management and Control in Mexico: Mechanisms for Dominating Persons in Resistance” is the assumption that the state’s response to increased forced human mobility follows clear patterns globally. In this essay, the authors aim to position the debate about the influence that systems of domination have on the progress of a militarized approach as a form of handling migration that relegates human rights. Using the Foucauldian notion of apparatus (*dispositif*), they highlight the territorialization of military containment measures in Mexico, the weakening of asylum systems, and the criminalization of human rights advocacy as part of a regional approach under the global North-South logic. It is important to remember that the implementation of the apparatus generates both individual and organized resistance by people crossing borders in pursuit of survival and well-being.

The article “Managing the Border in the Twenty-First Century and COVID-19, 2017-2020,” by José María Ramos García, analyzes the role and impact of binational border policy in the twenty-first century from its beginnings. It questions the fact that its lessons were not considered in handling COVID-19 with a policy that would have reinforced the sanitary protocols on the binational border instead of closing the U.S.-Mexico border for Mexican border residents with a U.S. visa. Likewise, it analyzes U.S. border security policies, the main strategies and impacts on the border and binational relationship with Mexico, and others associated with the border in the twenty-first century, emphasizing the administration of President Donald Trump. Ramos adds the COVID-19 context to his analysis, considering its impact globally, as well as on the border relationship and under the US-Mexico Joint Initiative to Combat the COVID-19 Pandemic. This initiative reinforces a notion of border security from the U.S. perspective and neglects efficient border cooperation in terms of health prevention according to the pertinent protocols.

We have called the third section “Cultural Representations through Cinema and Narratives,” and it includes three chapters:

“Mexican Migrants in Three Canadian Films: A Minimum Filmography,” by Graciela Martínez-Zalce, examines three National Film Board motion pictures about Mexican migrants living in Canada for different reasons: *Mexico Dead or Alive* (1996), *El contrato* (The Contract) (2003), and *Taxi libre* (2011). The films are the starting point for critically observing both countries’ political and migratory contexts, as well as the role of the institutional mandates of a public production company and filmmakers’ personal commitments to the representation of those who arrive in Canada either as skilled migrants, temporary workers, or political exiles.

The second chapter, “Civilization Ends Where Grilled Steak Begins: Cultural Representations of the Sonora-Arizona Border in Film,” by Luis E. Coronado Guel, uses as its starting point the analysis of the first volume of the José Vasconcelos’s memoirs, *Ulises criollo* (Criollo Ulysses), which describes the first years of his childhood when the Mexican government sent his father to the border between Arizona and Sonora as a customs agent. Those boyhood memories of a man who later would become one of the twentieth century’s most prominent intellectuals depict how remote the U.S.-Mexico border has been perceived in heart of the country, as a place of clashes and conflict ruled by Apaches. This cultural representation of the border captures the period’s ideas about a region whose dynamic has been described negatively as marginalized, isolated, and in constant conflict. Coronado Guel explores some of the examples of how the frontier between Sonora and Arizona has been represented in the national imaginary from the outside, from a centralist perspective and distant from its harmonious local dynamics. This is the story of how this neighboring region, as well as the desert that surrounds it, has been constructed through cinema to become the cultural representation of a place where Mexican nationality is lost, diluted, and corrupted.

Finally, the last chapter in this section, “From Narrative to Practice: Contradictions of an Ambiguous Migration Policy in Contemporary Mexico,” by Juan Carlos Narváez Gutiérrez, Alethia Fernández de la Reguera, and Luciana Gandini, analyzes how, as a result of the waves of migrant caravans toward the end of 2018 and in 2019, the Mexican government has implemented numerous strategies to respond to the visible arrival of thousands of migrants in need of humanitarian protection. The authors consider that the

Mexican government's performance in this regard is characterized by a contradiction between, on the one hand, emphasizing the focus on human rights in its official discourse, and, on the other hand, criminalizing the migrants through migratory management prioritizing detention and deportation over mechanisms for humanitarian protection. This chapter raises the issue of the construction of the narratives and the normative and institutional responses implemented. Thus, throughout the text, the authors aim to answer the following questions: Are caravan waves a new, unprecedented public issue? Does the composition of the caravan waves address a change in the migrant flow? Are current migratory policies appropriate for the social complexity of the phenomenon begun with caravans?

We decided to open a last section that we have called "History as an Epilogue," which includes S. Deborah Kang's essay "The Legal Innovations of the Immigration and Naturalization Service in the U.S.-Mexico Borderlands, 1917-1946." She traces how the Immigration and Naturalization Service (INS) on the U.S.-Mexico border functioned not only as a law enforcement agency but also as a lawmaking body. While the U.S. Congress and courts provided the outlines of a federal immigration policy, local immigration officials articulated that policy in more detail through the regular exercise of their administrative discretion and the preparation of legislative amendments to immigration statutes. As a result of these lawmaking activities, in the Southwest the INS generated a distinct and complex immigration policy that simultaneously closed the border to the entry of immigrants, opened it for the benefit of the border economy, and remapped the border as a jurisdiction for the policing of undocumented immigrants. For much of the twentieth century, the INS sustained all three approaches to immigration regulation along the U.S.-Mexico border despite their contradictory aims. In so doing, it transformed the international boundary into a borderland.

To analyze the urgency of the complex issues involved in the administration of borders in North America and migratory flows in the region, it is essential to comprehend the development of policies that impact the three neighboring countries and influence the decisions that would impact them. The chapters in this book aim to do this. Its main contribution is to do so from a tri-national and interdisciplinary perspective.

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