

Those Who Stay
U.S. Immigration Policies and the Impact of Migration on the
Communities of Oaxaca, Mexico

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Those Who Stay

Immigration is one of the most divisive topics in the United States. It is a very complex, broad topic containing a myriad of issues. One aspect of this complicated theme is economic migration. This migration is different from asylum/refugee status or other forms of protected relief. The people who are migrating are not facing imminent threats of political violence or other types of violence, but are living in conditions of poverty. Their livelihoods depend on migration, and money earned in the United States that is sent back to their communities.

The first part of this paper will focus on people who migrate for this economic-based reason, specifically examining two communities in Oaxaca, Mexico. Both communities have high levels of economic migration. The positive and negative consequences on the communities will be analyzed through ethnographical research in San Simón Almolongas, Miahuatlán and San Bartolomé Quialana, Tlacolula, both located within a few hours of Oaxaca City. Then, in the second part of the paper, the observed impacts on the communities will be put into conversation with a general overview of economic based migration to the United States and an analysis of the current political system and proposals for reform. To best be able to evaluate how the observed impacts are affected by U.S. Immigration policy, and the ways these policies can be changed to be more beneficial to people and communities both in Mexico as well as in the United States, it is important to understand the current system, its basic history, and the challenges and issues present in the system.

There have been major shifts in US migration policy and the relationship between Mexico and the United States in the last 30 years that have had important consequences for migrant families and their communities. Before 1990 the border was a lot more porous, coming to the United States was a trip, not a life-threatening journey, and was not as expensive as it is

now. People were working in the United States, but living in Mexico, returning for holidays, kid's events, birthdays, and town celebrations. Then, in 1994 the North American Free Trade Agreement was signed by Canada, Mexico, and the United States. NAFTA bankrupted Mexico, especially rural agricultural communities. Rural poverty went up to 55%, and many left agricultural work to look for other jobs. Many rural migrants headed North to the US, and a common household survival strategy was to send young and able-bodied men to the United States to send back remittances. Starting in 1994 under President Bill Clinton with Operation Gatekeeper and Operation Hold the line the United States began fortifying a new border wall and passing new laws to make immigrating to the United States a lot harder.¹ No longer was it possible to travel back and forth with ease. The trip became a lot more dangerous and more expensive. This meant that men² no longer returned for the celebrations in their communities. They stayed and lived in the United States, continuing to send remittances, but not maintaining the physical presence in their communities and family lives. Over the decades, migration laws have been tightened further, making acquiring documentation to come to the United States nearly impossible, and the risks of returning to Mexico even greater.

This is the generation I have studied. The men who have migrated from the communities in Oaxaca are migrating under this set of strict US laws and dangerous travel conditions. The communities rely on the remittances sent to bolster their economies. US policies intimately impact the lives of residents in and from Oaxaca. Overall, this paper will add to the many discussions on immigration, providing insight into the mostly overlooked aspect of origin

¹ *The Beast*, by Óscar Martínez

² The majority of people migrating at this time were men, though some women did migrate as well.

communities and proposing reforms to best mitigate these impacts and create the most beneficial and harm-reducing immigration system for both the United States and Mexico.

Fieldwork Research in Oaxaca, Mexico

Background

I informally started my research while I was abroad in Oaxaca, Mexico in the Fall of 2018. I spent four months in Oaxaca with a joint study abroad program through the University of Puget Sound and Pacific Lutheran University. Besides academic classes, we were all paired with non-profit organizations and did an internship and volunteer service with them for the last month that we were there. The organization I worked with was called Ixmucane³, and they were a group of women attorneys who provided free legal services to women in (mostly) indigenous communities that were facing gender-based violence. This semester made my research possible. The Spanish classes and academics helped me to greatly improve my speaking, listening, and reading skills, as well as gave me invaluable context for the communities I would later research in. In my anthropology class, we spent a long time learning about the relationship between indigenous communities and the state, as well as the system of *usos y costumbres*⁴ that governs indigenous communities, which both communities I went to this summer, San Bartolomé Quialana and San Simón Almolongas, follow. The readings I did for that class provided me with the foundation I needed for my summer research proposal and research in the communities. My internship with Ixmucane provided me with the contacts I needed in the communities. Brianna⁵, the woman I communicated with before arriving and stayed with in San Bartolomé Quialana, had

³ <https://www.facebook.com/pages/category/Non-Governmental-Organization--NGO-/Ixmucane-AC-111604509355909/>

⁴ indigenous customary law in Latin America where authorities recognize local forms of self-governance and juridical practices

⁵ All names throughout the paper have been changed to protect the privacy of the individuals.

previously worked with Ixmucane, and brought me into the community under her recommendation. In San Simón Almolongas I had gone to the community with Ixmucane, and Maria, the woman we ate lunch with, allowed me to come stay with her in the community and provide me with the introductions I needed to conduct my research. Without my internship in Oaxaca during study abroad I could not have done any interviews. I could not have gone into a community without any introduction and expected community members to trust me and interact with me. In Oaxaca, being introduced by a community member meant everything and gave me full access to the communities and people who lived there.

Besides giving me a strong foundational knowledge in Oaxaca and its culture, politics, and people, the conversations I had with others in Oaxaca inspired me to conduct this research. Everyone I met, from the street vendors, to the people in markets and shops, to Selene, the woman who cleaned the town hall in Miahuatlán de Porfirio Diaz, had family in the United States or had been to the United States themselves. They were all excited to tell me their stories and the impacts migration had had on them and their families. Selene had a particularly memorable impact on me and my research. She told me her whole life story, and how her sons were all in the United States and had been there for years. She started crying while telling me how much she missed them, but also how grateful she was that they were there since one of her sons was sending her money and built her a house in Miahuatlán so that she could live and paid for her medications. It was at this moment that I really realized how big a part of people's lives migration was in Oaxaca, and the life-changing and life-saving impacts of the transnational economy and community formed by migration to the United States and the connections with the people who stayed in Oaxaca. These conversations and experiences led me to want to conduct further research that was focused on telling the stories of those left behind and showing the other

side of the complex global phenomenon that is migration. I returned the next summer and conducted the following community research.

Community Research

This component of my research project consisted of ethnographical research in two communities in Oaxaca, Mexico. I spent a month in Oaxaca; two weeks in San Bartolomé Quialana and two weeks in San Simón Almolongo. In each community, I stayed with a family, interviewed community members, and made careful observations. The interviews focused on each individual's experience with migration, whether they had personally emigrated and returned, or had family members or friends who had, and the impact they had seen on their community due to migration.

The first community I went to was San Bartolomé Quialana, a traditional Zapotec community located about an hour from Oaxaca city in Tlacolula District in the east of the Central Valley Region. To get to Quialana from Oaxaca City I walked to the edge of town by the baseball stadium, took a taxi to Tlacolula, and after meeting my Quialana host family at the market where they were selling tomatoes, garlic, and chili, we took another taxi another 15 minutes into Quialana, where I was hosted by Brianna, a 30-year-old woman who used to work with Ixmucane through her work with the Women's Institute where she worked with victims of sexual violence. In Quialana I spent most of my time at her house where she lived with her 5-year-old daughter Alicia, her husband, and her in-laws. Since she was having a new kitchen built and had the laborers who were working on her house staying there, I stayed with her mother Julia, and her 16-year-old sister Nayeli. Her other two sisters lived in Quialana as well. In Quialana I interviewed everyone in Brianna's family, as well as many other community members. Brianna introduced me to women she thought would be a good fit for my research and

then I would ask to interview them, or would meet them at the school when I helped with cooking for Alicia's class or picking tomatoes or in the town's small market. In total I conducted 12 formal interviews in Quialana, as well as recorded other conversations with Brianna and her family, as well as took notes on my life and experiences in Quialana and information and stories shared with me. The results of these interviews will be discussed in length later on in the data and impact analysis sections.

After Quialana, the second community I went to was San Simón Almolongas. San Simón is located about two hours from Oaxaca city in Miahuatlán District in the south of the South Sierra Region. I met up with Maria's daughters Teresa and Diana next to the biggest church in the town square in Oaxaca City and together we rode in a van for the two and a half hours it takes to reach San Simón. In San Simón I met up with Maria, a woman who had also worked with Ixmucane through their workshops they do for women on empowerment, leadership, and many other topics. I stayed with her, her husband, her 16-year-old daughter Diana, and on the weekends her 23-year-old daughter Teresa. Her other daughter Amara lived in Miahuatlán with her 1-year-old and 3-year-old sons and her husband. Maria is the *suplente de la regidora de educación*⁶ in San Simón, one of three women in authority right now in San Simón. She also works as a secretary in a school in Miahuatlán. In San Simón I interviewed Maria and many other community members. Maria introduced me to people through her work as regidora. Part of her job was to distribute raffle tickets to every dad in the town center and invite them to the huge Father's Day celebration that happened while I was there. I went with her to all the houses in the town center of San Simón (about 40 houses), and she introduced me to each family, and I made

⁶ "Assistant to the manager of education" is a rough translation. In the *usos y costumbres* system, community members rotate overseeing different parts of the community, the health system, education system, and other pieces of the local government.

plans with about half a dozen of them to come back and interview them later. One of the days I was there I also went with Irene, the director of the DIF (Family Development), to San Pedro, one of the neighborhoods of San Simón about a 40-minute walk from the town center or a 20-minute motorcycle ride, where we walked from house to house and I interviewed many families there. Between the people Maria introduced me to, the day I spent with Irene, and other community members I met, I conducted 19 formal interviews in San Simón, as well as well as took notes on my experiences in San Simón and information and stories shared with me by Maria's family and other people in the community.

Interview process and outline

Between Quialana and San Simón I conducted 31 formal interviews. I interviewed people with a wide range of ages, levels of education, occupations, and life experiences. After being introduced to someone by Brianna, Maria, Irene, or another community member I would ask if I could interview them later and plan to meet with them. When I came to interview them, I would again state that I was a student and was completing research for my thesis, explaining that while migration is discussed a lot in the context of its impacts on the United States or on migrants themselves, their families and communities are often not discussed, and that my purpose in conducting this research was to tell those stories. I would ask permission to record the interviews, and when granted permission, would begin to record. I followed the same general set of questions, sticking to my outline but changing the questions to fit what they were telling me and to ask any clarifying or following questions. The following is my outline of questions.

- 1) What is your name? How old are you? Do you have a cargo in your community?
- 2) Can you tell me about your family? Who do you live with? Where do your family members you don't currently live with reside?

- 3) Were you born here? If no, when did you move here - Have you lived here your whole life?
- 4) Have you ever emigrated to the United States?
- 5) How long were you there?
- 6) What did you do in the United States? Did you have a job? What was it?
- 7) Why did you come back to your community? multiple follow ups to each answer, clarifications
- 8) Do you have plans to return to the United States? Why or why not?
- 9) Did your relationship with your family and/or community change while you were in the United States? How so?
- 10) Did you send money, did you bring money back, what did you use that money for, who decided, etc.
- 11) Has a family member emigrated to the United States? Why did they go
- 12) How long were they there?
- 13) What did they do in the United States? Did they have a job? What was it?
- 14) Have they returned?
- 15) Do they have plans to return to the community / return to the United States? Why or why not
- 16) Has your relationship with them changed since they have been in the United States? How so? What about when they returned?
- 17) Has your relationship with the community changed since they left? How so?
- 18) Has your job or role within the community or your family changed since they left? How so?

- 19) Ask about money (remittances), is the money they send enough, do you have to work, who decides what the money is used for, you or him, day to day living or build house, forever items
- 18) In general, how would you describe the division of labor between men and women in the community?
- 19) What about when people leave to the United States? Does this division shift? Who fills in the spots/cargos left when people leave?
- 20) Do you have anything else you would like to add?

I would either ask questions 1 - 3 and 20, and then 4 - 10 or 11 - 19, as most people either had gone to the United States or had family there, but some people were able to answer both sections, as they had gone and returned and still had family there. I also would always end the questions with asking if there was anything else they would like to add about migration. Some people took this to mean more impacts, or a continuation of what they had told me, but others took this opportunity to comment on the political context and their sociopolitical opinions about migration. These questions were deliberately open ended, and could be asked out of order, depending on how the conversation was flowing. Overall these questions provoked long, meaningful, complex discussions on people's personal experiences with migration and the impacts on their communities and families.

Data Analysis

My data includes the recorded interviews, notes in a journal, and notes on my phone that I took throughout the day. Between my formal interviews and other recorded conversations, I collected 12 hours of recording. I used a software program called Microsoft Video Indexer to do an initial transcription of the recordings, and then went through them by hand to format and fix

any mistakes. All of this together totaled to over 100 pages single spaced, a total of over 50,000 words of recorded information, not including the other notes I took. After transcribing all of this, I coded the information, sorting it into key categories and themes that repeat a lot in the data. I also pulled important quotes and stories that would exemplify the impacts found through coding the data. In addition to this data, I used my other notes, and outside research of academic sources and news articles. The following are the results and impacts I observed through my research.

Impact Analysis from Research in the Origin Communities

Impacts Overview

The biggest impacts I saw through my research can be organized into four main categories: family, economy, health, and culture. While it is nearly impossible to rank the impacts in order of importance, as they are all intertwined, family and economy impacts came up in almost every single interview and conversation I had, with health impacts sometimes being brought up and cultural impacts being brought up when I specifically asked about them. In the next few sections I will be discussing the impacts separately, but all the impacts work with each other to create the changes seen through migration.

Family impacts

The familial impacts of migration varied depending on the relationship of the family member to those I interviewed. I interviewed people who had spouses, parents, children, and siblings in the United States, or who had been in the United States. Each scenario varied by family, but there were commonalities across the families and communities of the impacts on the family dynamics these migratory patterns had.

I interviewed many women who had husbands⁷ in the United States. Some of these women talked with their husbands every day. Their husbands were involved with day-to-day life, they made parenting decisions, their kids were expected to ask them for permission the way they would ask their mothers, they helped with school work and generally provided life advice. These women didn't feel like single parents even though they were the only ones physically present to raise their kids. However other women were left to raise their families on their own. Their husbands stopped communicating, stopped sending money, and some even started new relationships with other women and had kids in the United States. Some women who did not have kids, but their husbands were in the United States were also impacted. The roles of these women in their houses and communities were affected. Not only were they raising kids alone, but they were managing their households alone. When work had to be done in their fields or on their properties, they would go oversee the laborers doing the work. When harvests happened, they would go manage and work the fields. Some had to take on other jobs to help cover expenses. The dynamics between husband and wife have been altered by the physical distance separating the couples and the challenges of communicating and co-parenting across borders.

Along with many husbands gone, many children⁸ and young adults have their fathers in the United States. This can impact them in a variety of ways. For some, they interact with their fathers daily and feel like their fathers are involved in raising them. While a few expressed that they had the same type of relationship with their absent fathers as with their mothers, others discussed how their fathers provided them with material things, but not the love that comes with

⁷ While it is not only men who migrate, the only testimony I heard about spouses or parents in the United States was regarding husbands and fathers.

⁸ While I talked to parents and siblings about the impact on children, I did not interview anyone under the age of 18 due to IRB constraints. I did speak to young adults whose fathers were also gone and had been absent during their childhood years.

raising a child. One sibling talked about how her younger sister wet the bed until she was 12 and had other mental health problems that she attributed to the fact that she had never met their father and struggled a lot with not knowing him in person. For others, their fathers had completely disappeared from their lives, leaving them without that relationship. The mental impacts on people whose fathers were absent was noticeable and an important part of the family dynamics present in the communities.

The other side of the parent-child dynamic that was shifted through migration was adults and elders whose children were currently in the United States. For many, this was a mixed impact. The mothers and fathers missed their children more than anything else in the world. They explained that the fact that they couldn't go visit made it even harder. There wasn't an option to see their children. However, their lives were materially improved through remittances sent by their children. The money made in the United States supported them and allowed them to live more comfortably. Other parents whose children were gone were also grateful for the educational opportunities afforded to their children and the lives they were able to live in the United States.

The other family dynamic impacted by migration is due to siblings being split across borders. There were not as many emotional or economic impacts caused by this split as there was when it was spouses, parents, and children. People expressed missing having all their family together, but it was not to the same extent. However, what was shifted was the roles the siblings took on. Siblings who were in the United States sent money to their parents to help support them, but it was the siblings who stayed who had to put in all of the work to take care of their parents, especially as they aged. Additionally, when parents passed away the siblings in the communities had to manage all of the funeral processes as well as the divvying up of land and all the rest. This

created unequal work divisions among family members and could place a strain on the sibling's relationships.

The transnational spread of family members across the border creates complicated dynamics in the communities. The migration of people to the United States impacts every piece of the family, from spousal relationships, parent-child relationships, and sibling relationships. These impacts vary widely depending on the people, but there were impacts on the mental health, economy, and division of labor in the families.

Economy impacts

The economical standing of families and individuals was completely changed by people sending remittances, or money, from the United States. The only way people could send their kids to school was by relying on money from the United States. While elementary and middle school are free and located in the town, neither San Bartolomé Quialana nor San Simón Almolongas had high schools. While a small amount of money is necessary for supplies for the younger grades, a lot more is needed to provide transportation to school in another town, or even to pay for housing and food for your children to live in Oaxaca City and attend school there. For college, expenses include tuition, living expenses, and transportation. In the communities, there is no way to make the amount of money necessary to afford this. Many are working to grow their own food and tend to their animals, and any extra money they may make from selling produce, or driving taxis, goes to purchase food for the week. Remittances allow families to provide their kids with an education with the hope that they will be able to have a better life and be able to have a career outside of the community and agricultural fields.

The physical landscapes of the communities are also changed through remittances. In Quialana the landscape is full of beautifully built, concrete, sturdy houses, left without finishing

touches and empty for years. People send back money to build their houses but many do not return to live in them. The houses families do live in are also improved through remittances, with concrete replacing corrugated metal and wood, and second floors, new rooms, and indoor bathrooms being added. In addition to the houses, in Almolongas the public spaces are also improved through remittances, with the main physical transformation being seen in the streets, and concrete being poured on many of the main roads.

The other ways remittances contribute to the communities is in money being sent back specifically for specific community use. People send back money to contribute to the town festivals, to the religious celebrations, and to community needs, like the roads mentioned above. In San Simón Father's Day is celebrated with a community wide day of performance and a meal served to all who attend. One woman sent back money to provide ice cream to everyone who attended the celebration.

Overall, through remittance, the long-term education of the community, as well as the physical landscape of the houses and roads, are transformed.

Health impacts

The health of the community is also impacted with the migration of people to and back from the United States. Unfortunately, most of these impacts are negative, bringing sexually transmitted diseases (STD's) and alcoholism into the communities, affecting the physical and mental health of its inhabitants. When men⁹ go to the US, whether they are single or married, some of them have sexual relationships with people in the US. While the communities themselves are relatively free of STD's, the US is not. Some of the men are exposed to STD's

⁹ While it is not only men who migrate, and may not only be men who engage in sexual relationships or heavy alcohol consumption in the US, the only testimony I heard regarded male behavior in these actions.

through their relationships in the US, and then pass them on to their wives or other women in the communities. Since the women in the communities don't usually deal with the symptoms from STD's there is a lot of stigma and shame around them, compounded by the fact that the only way that they got the diseases was from their partner's cheating on them. The health centers in the communities also don't have the resources or knowledge to treat the STD's, and the *regidoras de salud*¹⁰ are slowly trying to figure out ways to deal with them.

Beyond STD's, men are coming back or being deported back to the communities with alcohol or drug addictions. In the communities, mezcal is drunk in moderation. Mezcal is consumed at family gatherings, community events, religious ceremonies and events, and for special occasions. The adults may have mezcal with dinner. But the amount of mezcal consumed is very little, and people are sipping the drink slowly. However, in the United States there is a much more present culture of drinking massive amounts of beer and hard liquor, and at a much more frequent rate. Men are picking up these habits and forming addictions while in the United States and then bringing that back to their towns. The communities are beginning to host Alcoholics Anonymous type programs, but the dynamics around alcohol and alcohol dependency have shifted. In both communities as well, there were not issues with drug addictions. Some teenagers may have consumed some marijuana, but hard drugs were not originating in the community. Now, in the same way alcoholism is being brought back, so are other drug addictions. The communities are still trying to figure out how to deal with this and the resulting mental health implications this has on the users and the community members.

While some men are returning with mental health concerns, the absence of people's partners is also causing mental health concerns for people remaining in the community. For

¹⁰ Health manager is a rough translation

example, the woman I stayed with in Quialana was being treated for severe depression, which was being affected by the fact that she had not seen her husband in over 15 years.

One positive impact on the health of the community due to migration could be seen in the environmentalism and hygiene standards, especially noted in San Simón. There the community had begun to recycle. They had bins placed in the town hall to collect bottles and cans that would be transported to recycling center, instead of just the dump. They had also instigated monthly clean ups of the roads and drains to keep them clear for the water flowing through. These ideas and standards came from people returning from the United States.

Overall, migration had a negative impact on the health of the communities, bringing in STD's, alcohol, and drugs, creating the need to combat addictions, and affecting the mental health of everyone in the community. While there is the positive aspect of the shift to environmental concerns, this does not offset the other costs suffered by the community due to migration.

Culture impacts

I expected to see much bigger shifts in the culture of the communities due to migration of people back from the United States to the communities. While there were some impacts observed, I cannot say that the changes seen in the communities were only due to migration, and not also from changing patterns of globalization and modernization happening all around the world and in Mexico. In San Bartolomé Quialana, in recent decades, there have been shifts in the clothing worn and language spoken. In Quialana many women still wear the traditional garb, which includes a skirt and an apron, a blouse and a lacy over blouse, and a pañuelo¹¹. However, many others wear jeans and blouses, leggings and t-shirts, long dresses, and more. Most people

¹¹ Similar to a bandana, a colorful piece of cloth worn over the hair.

in Quialana still speak the indigenous Zapotec language. There are a few young kids who were born in the United States who do not speak the Zapotec language, but in general you need to be able to speak the language to communicate with others in the community. However, the ability to write the language has been lost by all but a few elders.

In San Simón almost no one wears traditional garb anymore, and all but a few elders have lost the ability to speak Zapoteco. While some of these changes may have been impacted by people going to the United States and losing the language and changing how they dressed, these changes may also have just been impacted by changes over the years in the world as the communities became less isolated.

Another controversial impact was on the gender roles in both of the communities. Some people report that their roles had greatly shifted with men leaving the communities, while others insisted that nothing had changed. There was not a clear consensus reported about the impact of migration on the roles of men and women in the community.

Impacts Conclusions

The migration of people to the United States, and back again to the communities, has a huge impact on every single aspect of community life in San Bartolomé Quialana and San Simón Almolongas. Migration has completely altered how families interact, divide work, support one another, and create their lives. It has also radically changed the economic standing of people in the communities and the communities as a whole. Additionally, migration has affected the cultural traditions in the communities and the health of the population. Understanding the impacts on the communities allows one to better grasp the specific ways migration has changed the communities in Oaxaca, Mexico, and draw conclusions about the ways immigration policies in the United States affect these impacts.

U.S. Economic Migration Policies

Policy History and Current Status

This section will be focused on the history of people who have migrated for primarily economic reasons, instead of for political or other asylum and refugee-based reasons. While migration has been occurring since the United States was established, there has not always been established immigration policies that dealt with economic migration. In both communities, the people I talked to remember migration to the United States really beginning and becoming popular through the Bracero Program, one of the first U.S. economic migration policies established in 1942.

The Bracero program was enacted to replace the workforce that had gone to fight in World War II when the US entered the war after Pearl Harbor. The economic catastrophe caused by World War II forced the United States to seek out an inexpensive labor force to meet its needs in agricultural sectors and other economic sectors. The Bracero Program was created through an executive order in 1942 as a temporary intergovernmental agreement for the use of Mexican agricultural labor on United States farms. This was officially referred to as the Mexican Farm Labor Program, but is colloquially called the Bracero Program, in reference to their position as manual laborers. In 1951, after nearly a decade of this program, the Bracero Program was formalized by congress with Public Law 78.¹² This law was renewed on a biannual basis until 1964, when the Bracero Program officially ended.¹³ From 1942 to 1964, 4.6 million contracts were signed through the Bracero Program. Some individuals returned several different times. It was the largest U.S. contract labor program at the time.¹⁴ While the numbers (fig. 1) show that it

¹² About, *Bracero History Archive*

¹³ Teaching, *Bracero History Archive*

¹⁴ About, *Bracero History Archive*

was successful in terms of bringing in a labor force to the United States, it also has a very controversial history.

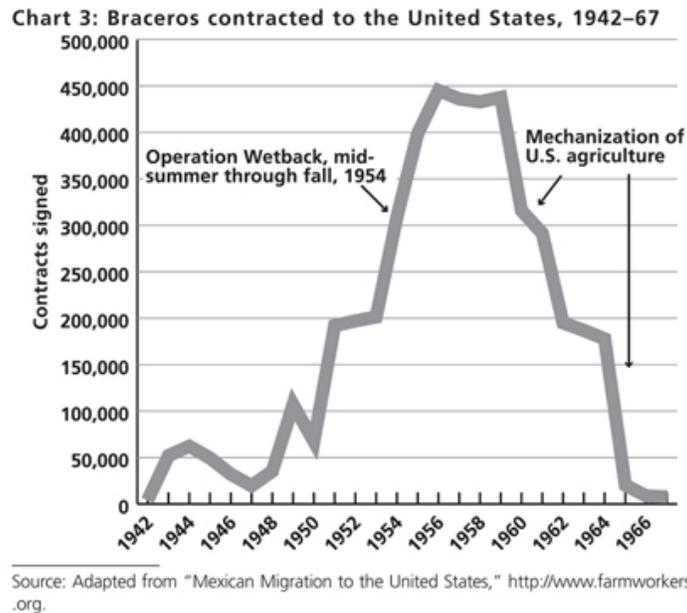


Fig 1: *Braceros contracted to the United States, 1942-67*¹⁵

The Bracero Program was controversial for a few different reasons. First, in theory the Bracero Program had safeguards to protect Mexican and domestic workers, but in practice these were not always honored. According to the wording of the Bracero Agreement of 1942,¹⁶ the safeguards included “guaranteed payment of at least the prevailing area wage received by native workers; employment for three-fourths of the contract period; adequate, sanitary, and free housing; decent meals at reasonable prices; occupational insurance at employer's expense; and free transportation back to Mexico at the end of the contract” and “employers were supposed to hire braceros only in areas of certified domestic labor shortage, and were not to use them as strikebreakers.”¹⁷ In reality, many of these rules were ignored and broken, and both Mexican and

¹⁵ Mexican Migration to the United States, *farmworkers.org*

¹⁶ Bracero Agreement of August 4th, 1942

¹⁷ Ibid.

native workers suffered. The growers and company owners benefited from the cheap labor and low legal protections of the braceros and other undocumented workers. The Bracero Program had a big impact on the economy of the United States and Mexico, allowing U.S. businesses to continue to thrive during the war and sending remittances into households in Mexico, boosting their income.¹⁸ The Bracero Program also had many consequences for the future of migration in the United States as it established lasting migration networks from Mexico, and later South and Central America, as a social process.¹⁹ The evidence of the migration patterns established through this program can be seen very clearly through the migration in the Oaxacan communities.

After the Bracero Program, the next policy that is relevant to this history is the Immigration and Nationality Act of 1965, which overhauled the entire system, ending national origin quotas and implementing a seven-category preference system, emphasizing family reunification and skilled immigrants.²⁰ It also ended the preference for white immigrants that had been in place since the 1700s. Its primary goal in repealing the National Origin Quota System was to ensure that “no person shall . . . be discriminated against in the issuance of an immigrant visa because of his race, sex, nationality, place of birth, or place of residence.”²¹ This change was also inspired by political motivations and Cold War considerations as U.S. presidents wanted to avoid the Soviet’s pointing to the restrictive immigration system and its inherent racism.²² Since 1965, most immigrants have been people of color, mainly from Asia and Central and South America. These groups were previously excluded because of race and discouraged by

¹⁸ U.S. Temporary Worker Programs: Lessons Learned, *migrationpolicy.org*

¹⁹ Ibid.

²⁰ U.S. Immigration Timeline, *History.com*

²¹ The Immigration Act of 1965 and the Creation of a Modern, Diverse America, *Huffpost*

²² Submission 2 Feedback, *David Sousa*

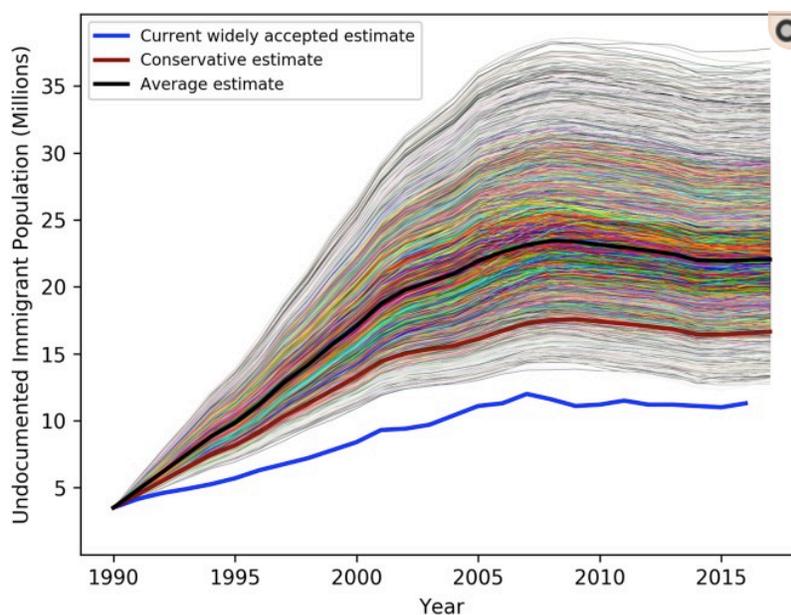
policy. However, the law also ignored the reality of the lives of many Mexican farm laborers. Before this law, Congress had allowed unlimited migration from the Western Hemisphere. When this ended in the name of equality, it didn't consider that many agricultural workers depended on being able to come and go between the US and Mexico for temporary work. This law turned these agricultural workers into undocumented immigrants. The presence of the 10-12 million immigrants without legal status who are in the US, many who are here for agricultural work, partly stems from this oversight in the passage of the Immigration and Nationality Act of 1965.²³ As the communities in Oaxaca had already begun growing reliant on money sent back from agricultural work, and this type of migration for economic benefit had already been established, changing the law had a drastic impact on the communities. It was not reasonable or economically advantageous to simply not migrate, it just made the migration more dangerous and created a population of undocumented workers in the United States.

The next key piece of immigration policy to impact economic migration from South and Central America is the Immigration Reform and Control Act of 1986. This act shifted the “historic *laissez-faire* attitude toward employer responsibility in fueling illegal immigration.”²⁴ Its primary goal was to establish penalties for employers who knowingly hired undocumented immigrants, as well as to increase border security. The bill also included a new guest worker program for agricultural workers and a special legalization program that created a path to citizenship for certain agricultural workers already in the United States. Two important components from this bill for today's immigration system are the H-2A guest worker program, through which agricultural employers may sponsor foreign-born temporary guest workers for up

²³ The Immigration Act of 1965 and the Creation of a Modern, Diverse America, *Huffpost*

²⁴ IRCA's Legacy Lives on, *Migrationpolicy.org*

to three years, and an earlier prototype of the current E-Verify program, which confirms work authorization for employment purposes. Ironically, the law contributed to increased unlawful immigration, (fig. 2) as it provided hope for future amnesty options, which encouraged people to migrate without documentation, and provided no legal avenues for increasing employment-based immigration and especially for low-skilled workers, leaving many without an option to migrate with documents. This combined with a high demand for low-skilled workers in the growing economy led to an increase in undocumented immigration.²⁵



*Fig. 2 Estimate of the numbers of undocumented immigrants in the U.S.*²⁶

The last major comprehensive immigration reform was the Immigration Act of 1990.

This act modified and expanded the 1965 act and created a lot of change. It increased total immigration from 270,000 people annually to allow 675,000 immigrants to come to the US per year, provided family-based visas, created five distinct employment-based visas, made changes

²⁵ Ibid

²⁶ The number of undocumented immigrants in the United States: Estimates based on demographic modeling with data from 1990 to 2016, *National Center for Biotechnology Info*

in non-immigrant visas like the H-1B visa for highly-skilled workers²⁷, and more. The five distinct, employment-based visa categories (fig. 3) was an expansion of the two available in the 1965 act. The categories were as follows. EB-1 visas were for workers with extraordinary ability or outstanding foreign researchers or professors, EB-2 visas were for professionals holding an advanced degree with a US job, workers with exceptional ability and a US job, EB-3 visas were for professional workers, skilled workers, and unskilled workers²⁸, EB-4 visas were for special immigrants (religious workers), and EB-5 visas were for immigrant investors. The order of preference decreases from first priority EB-1 and last priority EB-5. In most cases the applicant must be employer-sponsored and be applying to work in an area of labor shortage in the U.S., or the employer had to bargain on their behalf and prove that they had exhausted all other domestic recruiting efforts. Other non-immigrant visas were also expanded.²⁹ This act was the last major immigration policy in the US and much of it is still the current status of immigration policy.

²⁷ High-skilled workers are capable of working efficiently and supervising efficiently the work of skilled employees, skilled employees are capable of working efficiently and exercising independent judgment in discharging their duties and responsibilities, semi-skilled workers do a generally defined routine work in a relatively narrow job, and low-skilled workers perform simple duties with little or no independent judgment.

²⁸ The terms “unskilled workers” and “other workers” are used interchangeably in discussions about the visas.

²⁹ Highlights of the US Immigration Act of 1990, *Fordham International Law Journal*

Preferences	General Description
First Preference EB-1	This preference is reserved for persons of extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors or researchers; and multinational executives and managers.
Second Preference EB-2	This preference is reserved for persons who are members of the professions holding advanced degrees or for persons with exceptional ability in the arts, sciences, or business.
Third Preference EB-3	This preference is reserved for professionals, skilled workers, and other workers. (See Third Preference EB-3 below)
Fourth Preference EB-4	This preference is reserved for "special immigrants," which includes certain religious workers, employees of U.S. foreign service posts, retired employees of international organizations, alien minors who are wards of courts in the United States, and other classes of aliens.
Fifth Preference EB-5	This preference is reserved for business investors who invest \$1 million or \$500,000 (if the investment is made in a targeted employment area) in a new commercial enterprise that employs at least 10 full-time U.S. workers.

*Fig. 3 EB visa Category Descriptions*³⁰

With 9/11 came a turn toward harsher policies, and millions have been deported since. However, there have been no comprehensive bills since that have made it out of Congress to become law. Since 9/11 there has been enhanced border security acts, new visa laws, executive orders for those brought to the US as minors, and other changes, but no big shifts in other economic migration policies or visa types and regulations. These harsher policies without any comprehensive reform have caused huge gaps in the immigration system. Currently, there are various ways for employment-based immigrants to come to the United States for a permanent or temporary basis, though none of them are possible for many of the migrants from communities like San Bartolomé Quialana or San Simón Almolongas, as they are "unskilled" workers. The following are the ways U.S. law has established for nonimmigrant³¹ workers to come to the United States.

³⁰ Permanent worker visa preference categories, *bestroyal.org*

³¹ Non-Immigrant means that someone is migrating for a temporary period, like a work-permit, student-visa, or tourist-visa; but not applying for or eligible for permanent resettlement in the United States or any way to become a resident or citizen

There are currently 34 types of visas for temporary nonimmigrant workers.³² The visa types important to economic migration are the

L-1 visas for intracompany transfers; various P visas for athletes, entertainers, and skilled performers; R-1 visas for religious workers; various A visas for diplomatic employees; O-1 visas for workers of extraordinary ability; and various H visas for both highly-skilled and lesser-skilled workers.³³

The H visas (fig. 4) are the ones used most widely for temporary work visas. The H-1B visa and H-1B1 visa are for a person to work in a specialty occupation. The H-2A visa is for temporary or seasonal non-agricultural work if it is determined to be in the United States interest.³⁴ These are the visas that would be used by people coming to the United States on a temporary basis to work.

Temporary worker visa categories

Visa category	General description – About an individual in this category:
H-1B: Person in Specialty Occupation	To work in a specialty occupation. Requires a higher education degree or its equivalent. Includes fashion models of distinguished merit and ability and government-to-government research and development, or co-production projects administered by the Department of Defense.
H-1B1: Free Trade Agreement (FTA) Professional - Chile , Singapore	To work in a specialty occupation. Requires a post-secondary degree involving at least four years of study in the field of specialization. (Note: This is not a petition-based visa. For application procedures, please refer to the website for the U.S. Embassy in Chile or the U.S. Embassy in Singapore .)
H-2A: Temporary Agricultural Worker	For temporary or seasonal agricultural work. Limited to citizens or nationals of designated countries, with limited exceptions, if determined to be in the United States interest.
H-2B: Temporary Non-agricultural Worker	For temporary or seasonal non-agricultural work. Limited to citizens or nationals of designated countries, with limited exceptions, if determined to be in the United States interest.
H-3: Trainee or Special Education visitor	To receive training, other than graduate medical or academic, that is not available in the trainee's home country or practical training programs in the education of children with mental, physical, or emotional disabilities.

Fig. 4 H-Category Temporary Worker Visas³⁵

There are also employment-based immigration visas where people are coming to the United States to work permanently. This includes the E visas explained above that were created in the Immigration Act of 1990. These Employment-Based Immigrants, including priority

³² Directory of Visa Categories, *US Dept. of State*

³³ How the United States Immigration System Works, *American Immigration Council*

³⁴ Temporary Worker Visas, *US Dept. of State*

³⁵ *Ibid.*

workers, professionals holding advanced degrees and persons of exceptional ability, professionals and other workers, employment creation/investors, and other certain special immigrants.³⁶ There are some other highly-specific employment-based visas, but the H and E visas are what can be used by most people migrating for employment reasons.

The current options for legally migrating to the US for economic reasons are very limited. The enforcement of migration laws that seek to punish those who don't have legal documents for being in the United States leads to massive rates of detention and deportation in the U.S. Since the Bracero program, the economic systems of Mexico and many Central and South American communities have depended on migration to the United States, and the flow of money back across the border. The limited ways that people can migrate legally has not limited the amount of migration, just increased the amount of people migrating undocumented. As established through my ethnographical research, the community economic reliance on migration has made even undocumented migration be seen as one of the best choices for familial and communal economic stability. This imbalance in the amount of people migrating and the visas available to them is one of the biggest weaknesses of the current policy, and leads to a need to analyze how effective, sustainable, rational and viable the current policy is and what problems remain to be addressed in fixing the immigration system in the United States to better benefit all parties.

Policy Analysis

The immigration system is broken. As explained in the previous section, there have not been any major comprehensive immigration reform bills passed in decades. Our immigration system has not kept up with the changing world economy; all sessions of Congress have failed to

³⁶ Directory of Visa Categories, *US Dept. of State*

pass significant immigration reform while the economy and demographics have substantially shifted. As explained by the US Chamber of Commerce,

Today, jobs go unfilled because companies can't find the workers with the skills they need. Our outdated and ineffective system now welcomes some immigrants and blocks entry to others often with little consideration of what skills they bring and what roles they would fill in the economy ... It is a system that is in desperate need of repair.³⁷

The reality is that people are not going to stop migrating. Many communities, like the ones discussed in this paper, rely on money sent from family members to survive. The remittances pay for food, medications, education, home repairs, etc. and are a necessary part of the community economy. Because of this, people will migrate regardless of whether they can get a visa. The immigration system itself is severely under-equipped to handle the number of immigrants coming to the United States and the processing of these people, as well as immigrants already in the country without proper documentation. This section will examine three of the major flaws in the current immigration system that applies to work visas and economic based immigration. The three topics that will be covered in this section, out of the many problems that exist within the system, are the visa waitlist and backlog, the lack of available visas, and the restrictive nature of the visas.

1. Visa waitlist and backlog

To start off with, there is a huge green card and temporary visa backlog. It is nearly impossible to obtain a visa. There is a massive waitlist for E-B visas. As of November of 2018 there were 3,791,973 applicants on the waitlist, down from 4,060,046 applicants on the waitlist in 2017 (fig. 5).³⁸ As explained by the Cato institute,

³⁷ How America's immigration system failed and why we need to fix it, *US Chamber of Commerce*

³⁸ Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based preferences Registered at the National Visa Center as of November 1, 2018, *State Department*

Behind those immigrants who applied for green cards in 2018 stand nearly five million people waiting in the applicant backlog. Without significant reforms, wait times will become impossibly long for these immigrants. Altogether, about 675,000 would-be legal immigrants — 14 percent of those waiting in 2018 — would die without seeing a green card if they refused to give up and stayed in the line indefinitely. It will take decades and — in some categories — a half century or more to process everyone else waiting now.³⁹

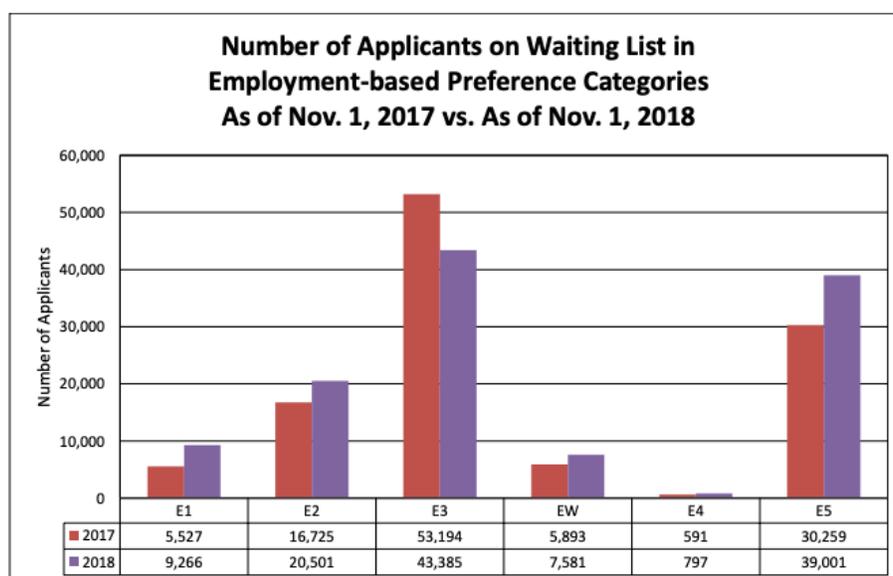


Fig. 5 Number of Applicants on Waiting List in Employment-based Preference Categories as of Nov. 1, 2017 vs. As of Nov. 1, 2018⁴⁰

As seen in the quote from the CATO institute, the wait time for the millions of applicants is ridiculous to the point that it is nearly impossible to obtain a visa. What we are really seeing when we see numbers like this is essentially a policy choice to not speed up the process. The reality for most immigrants is that they need to be able to improve their economic situation in the relatively immediate future. Now, the wait time to be able to even apply for a visa can take up to 10 years.⁴¹ Every month, the State Department publishes the Visa Bulletin, which states that immigrants who entered the waitlist for visas before a certain date can now apply for a green

³⁹ Immigration Wait Times from Quotas Have Doubled: Green Card Backlogs Are Long, Growing, and Inequitable, *CATO institute*

⁴⁰ Ibid.

⁴¹ Ibid.

card. While it is much more backed up for family-based immigration, currently people applying for employment-based visas have a final action date as far back as July 2009, meaning they had to have applied for the visa before that date to even be considered right now.⁴²

For those in the immigration system currently, the immigration courts now have more than 800,000 pending cases, with each one taking an average of 700 days to process.⁴³ Doris Meissner, the immigration commissioner in the Clinton administration and now a fellow at the Migration Policy Institute, said that “The backlog has been allowed to build to the point of a crisis.”⁴⁴ Whether one is waiting to apply for a visa, or already in the court system, the wait time to be issued a visa or a resolution to their case and approval or denial of their application is exorbitant.

Overall, the massive waitlist times and backlog of the visa process stems from the fact that there are not enough visas available for the demand. This will be further explained in the next section.

2. Lack of available visas

Congress has placed limits, both by category and by country, on the number of visas available. As Congress limits the number of green cards available, even after waiting a decade to apply there might not even be a green card available for the applicant. After all the bureaucratic delays, the unavailability of visas due to quotas creates another delay. The preference categories in the immigration system prioritize applicants according to different employment categories. Each category has a specified limit of available visas (fig. 6), along with limits on the number of green cards that any single nationality may receive. No country can receive “more than 7 percent

⁴² Ibid.

⁴³ The US immigration system may have reached a breaking point, *The New York Times*

⁴⁴ Ibid.

of the total, (25,260), plus any unused green cards distributed to nationals on a first-come, first-served basis in a given category.”⁴⁵ This means that people from different nationalities wait in lines that move at different speeds. In general, only Indians, Chinese, Filipinos, and Mexicans reach their country limits, making their lines move the slowest and allowing nationals from other countries to pass them in line.

	Preference categories	Category limits (3)	Country limits (3)
Employment preferences	All employment preferences	140,000	9,800
	EB1: Priority workers	40,040	2,803
	EB2: Advanced degree or exceptional	40,040	2,803
	EB3: Bachelor's degree or professional	35,040 (2)	2,453
	EB30: Other unskilled workers	5,000 (2)	350
	EB4: Special immigrants	9,940	696
	EB5: Investors (employment creation)	9,940	696

*Fig. 6 Immigration preference categories and quotas*⁴⁶

As seen, the number of migrants far exceeds the number of visas available in each category. For example, there are only 5,000 visas available to workers without college degrees, according to a 1997 law. Of the estimated 11.3 million unauthorized immigrants in the United States, the vast majority have no college degree. There is a huge disparity between the number of green cards available and the amount of people who apply for this type of visa. There are also no temporary visas at all for year-round workers without college degrees. The 5,000 visas for non-college educated workers mentioned above are only for seasonal work, meaning that they are not for permanent positions. This means that industries that need year-round low-skilled workers are

⁴⁵ Ibid.

⁴⁶ Immigration Wait Times from Quotas Have Doubled: Green Card Backlogs Are Long, Growing, and Inequitable, *CATO institute*

at a huge disadvantage.⁴⁷ These are just two examples of the disparity between the number of visas demanded and the amount available, but in every category and preference level, more visas are needed than will be approved.

The lack of available visas is a huge driving factor of undocumented immigration. The fact that it is virtually impossible to come to the US on work visas, coupled with the fact that migration is integral to the survival of many communities and families, leads to huge amounts of undocumented immigrants coming to the US to work without visas.

If one can acquire a visa, there comes the issue of the restrictive nature, covered in the next section.

3. Restrictive nature of the visas

For immigrants with work visas and those without, the restrictive nature of the visas leaves them open to exploitation. The massive backlog and lack of visas explained in the previous two sections means that many immigrants are working without visas, leaving them with very few legal protections. They cannot access the resources and protections put in place to make sure they have fair wages and working conditions because they are not legally allowed to work. Their employers can threaten their immigration status to make sure they comply without complaints, and even if their employers do not do this, the fear that one may be deported for speaking out about employer abuse is enough to keep many quiet. For example, Josue Diaz, an undocumented day laborer employed after Hurricane Gustav and Ike in Texas, was forced to do dangerous work without proper safety gear. When he, along with several other cleanup workers, complained about working conditions and discriminatory pay their employer retaliated by contacting local police and ICE, alleging criminal and immigration violations. The local district

⁴⁷ Why the Legal Immigration System Is Broken: A Short List of Problems, *Cato institute*

attorney eventually withdrew the local criminal charges, but ICE pursued deportation proceedings to remove Diaz and his coworkers from the United States.⁴⁸ Immigrants with work visas are not much better off. As their status is tied to their employment, they cannot walk away from a job, putting them at a big disadvantage when it comes to negotiating their wages and benefits.⁴⁹ Workers cannot leave their employer, even if the employer is abusing their rights and taking advantage of their immigration status to keep them from getting the protection they deserve.

Employers are also at a disadvantage in the restrictive system. The law requires all employers to receive a “labor certification” which proves that there are no workers as qualified as the immigrant for whom they are petitioning, but as 88 percent of immigrants sponsored by their employers for permanent residence already live in the United States generally as temporary workers, basically employers are required to advertise for positions already filled by current employees, wasting everyone’s time and money.⁵⁰ This is not an efficient system for employers to have to go through to be able to fill their positions and perform their work, hurting the economy.

These restrictions, coupled with the severe backlog in the immigration system, and the shortage of available visas, are some of the major flaws of the US immigration system as it applies to employment-based immigration. Fixing this part of the immigration system is beneficial to both immigrants and US companies and the US economy. The next section of this

⁴⁸ Op-Ed: Post-hurricane rebuilding will be done by undocumented workers — and they need protection, *Los Angeles Times*

⁴⁹ Why the Legal Immigration System Is Broken: A Short List of Problems, *Cato institute*

⁵⁰ Ibid.

paper will address some proposed solutions to the issues analyzed here that would benefit the United States, along with the communities of Oaxaca, Mexico.

Proposed Solutions to the Problems in the Immigration System

As can be seen throughout the prior sections of this paper, the immigration system in the United States is extremely complicated, and has some major flaws. The system needs to improve to actually function in the modern economy and with all of the economic and demographic shifts mentioned in previous sections. The following section will address proposed solutions to a few of the key issues in the immigration system outlined in the policy analysis section. The main issues outlined in that section were the visa waitlist and backlog, the lack of available visas, and the restrictive nature of the visas. This section will be broken up into three sections: decreasing the visa waitlist and backlog, improving access to visas, nonrestrictive visas. As stated in the Chamber of Commerce article⁵¹, “addressing these key issues will not only allow employers to innovate and create jobs, but effective temporary worker programs for the lesser-skilled occupations are essential to preventing unauthorized migration in the future.” Fixing this part of the immigration system is beneficial to both immigrants and US companies and the US economy. The following solutions will attempt to fix this part of the system.

1. Decreasing the visa waitlist and backlog

To speed up the process and clear out the waitlisted cases that are creating the backlog, the government needs to improve its immigration bureaucracy. A dedicated funding stream is needed to add more judges and other court staff. The small amount of immigration judges our government employs has severely limited the court’s ability to process more cases. Currently, the

⁵¹ How America’s immigration system failed and why we need to fix it, *US Chamber of Commerce*

nation's 321 immigration judges each process around 678 cases every year (as of 2018), which is only 35% of the 1900 new cases on average that they receive each year.⁵² By using court data to estimate the impact of hiring new judges on the backlog, the Bipartisan Policy Center found that "increasing the number of immigration judges would reduce the backlog by 2025."⁵³ This same study by the BPC analyzed acts introduced in congress to add immigration judges and found that adding 375 new judges, as proposed by Senator Cruz's Protect Kids and Parents Act, would reduce the backlog to 500,000 cases by 2030 (remember that the current backlog is almost 4,000,000, so this would be a huge decrease). The study also found that if 100 more judges had been added in 2014, it would have saved over \$800 million in detention costs to house people while they waited to go through the immigration process.⁵⁴ Currently, the Executive Office for Immigration Review, which runs the immigration courts, is hiring many more judges. However, as explained by Hon. Tabaddor, a California judge, even though new judges have been added, the clerks and support staff needed to effectively try a case have not been added. This, coupled with the fact that immigration court files have yet to be digitized in a central database, means that the system is not running as efficiently as it could.⁵⁵ To decrease the visa waitlist and backlog, hundreds of more immigration judges, along with the necessary support staff, need to be hired to improve the immigration bureaucratic system.

⁵² Why hiring more immigration judges would reduce immigration court backlog, *Bipartisan Policy Center*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Burgeoning court backlog of more than 850,000 cases undercuts Trump immigration agenda, *Washington Post*

2. *Improving access to visas*

To improve access to visas, the number of available visas should be increased in a few ways. First, the number of employment-based visas should be linked to economic growth. Hard caps make no sense when the economy and the global world market are constantly changing and shifting. The number of green cards available annually should significantly increase.

Second, the country quotas should be removed. Micromanaging immigration flow in this way results in highly inequitable where immigrant waits wildly diverge for no reason other than that one immigrant was born in a country with higher demand than the other.⁵⁶ As explained by the CATO report, removing country limits would equalize wait times among nationalities, eliminating the extremely long waits for immigrants from certain countries. For example, “repealing the country limits would make the average time to process everyone in the EB2 and EB3 lines six or seven years, compared to 24 to 36 years for Indians and roughly zero for almost everyone else except Chinese.”⁵⁷ Country caps were originally introduced to ensure that there was diversity among the nationalities of the immigrants migrating to the US, but now they have been denounced as discriminatory towards some nations, like India and China, which face much longer visa wait times than any other nations.⁵⁸ The Fairness for High-Skilled Immigrants Act, a bill that would eliminate per-country caps on employment based visas passed in the House 365-65 in July 2019 had substantial bipartisan support. In the Senate, the bill was introduced by a bipartisan group Sen. Mike Lee (R-UT) and Sen. Kamala Harris (D-CA), but was blocked before it reached a vote, even though it would likely have passed.⁵⁹ Congress needs to pass a bill to end

⁵⁶ Immigration Wait Times from Quotas Have Doubled: Green Card Backlogs Are Long, Growing, and Inequitable, *CATO institute*

⁵⁷ Ibid.

⁵⁸ A rare bipartisan agreement on immigration reform has tanked in the Senate, *Vox*

⁵⁹ Ibid.

country caps on green cards and employment-based visas. Ending these quotas would not only help provide better access to visas and therefore discourage illegal migration, it would also help the U.S. economy. It would improve economic efficiency by ending discrimination against immigrants who would be more productive, as well as allowing companies to recruit the best talent and the most qualified employees, regardless of which country they came from. Improving access to the visa programs that already exist has proven bipartisan support and benefits both immigrants and U.S. companies and economy.

Third, an effective temporary worker program needs to be created. While the Bracero program was a flawed prototype program, it shouldn't be completely discounted as a model for a new program. The U.S. government needs to create a humane, labor focused temporary worker program, that has strict safeguards for workers and benefits for companies. One mutually beneficial migration policy is short-term visas. Short-term work visas allow people to come to the United States legally and work to provide for their families. This benefits the United States because it brings in workers which we need for our economy, especially the agricultural sectors, and provides cheap labor to the companies. This benefits the origin communities because it provides free, safe transportation to the United States, stable jobs, legal protection, and the ability to move back and forth across the border. This also benefits the families of migrants who stay behind because they are still economically supported without the years and decades long family separation, the loss of family members in their journeys across the border, and the economical price they pay to have their family members migrate. A short-term visa program that makes enforceable worker protections a priority would go a long way towards helping to reduce the number of undocumented migrants and provide another option for the many people who do not want to migrate to the U.S. permanently, but need to come for economic reasons, and are faced

with the only options being illegal migration, or decades and decades of wait for green cards. Short-term visa programs benefit everyone involved and they should be more widely available and supported.

To make visas more widely available, all quotas and caps should be eliminated, along with increasing the annual number of visas given and creating more short-term work options.

3. Nonrestrictive visas

To make visas less restrictive, visas should be made portable and employers should be able to hire whoever they think will best fit the job position, even if that is a migrant worker. In a free labor market, employees can quit abusive bosses and jobs and move to better jobs. This incentivizes employees to treat their workers well and to provide competitive benefits and salaries. Immigrant workers should be allowed to have the same freedom and power by being able to easily transfer their work permits from one employer to another. A portable guest worker visa “that allows easy worker mobility between employers is a small government solution to union concerns”⁶⁰ Employers would also then be able to recruit the best people for the job. Portability of visas is important to the protection of immigrants and companies.

In conclusion, the employment-based immigration system can be improved by decreasing wait times for visas by adding new judges and support to the bureaucratic side of the system, getting rid of quotas and caps to improving access to visas, as well as creating new temporary work programs, and allowing visas to be transferable.

Benefits of Immigration Policy Changes to Origin Communities in Oaxaca

The observations and data analysis from the interviews I conducted, as well as specific political conversations I had with individuals in the communities led me to reflect upon the

⁶⁰ Immigration reform: The portable guest worker visa solution, *The Hill*

immigration policies of the United States. Initially, I have concluded that deterrence does not work and makes the migration process more dangerous and costly. Additionally, short term visa programs work and there should be more of them. Through my subsequent research on the economic-migration system in the United States I have continued to conclude that short-term visa programs would be the most beneficial, coupled with the above solutions, to San Bartolomé Quialana and San Simón Almolongas.

In my interviews and in conversations with people in Quialana and San Simón, Donald Trump and the political environment of the United States were brought up by the community members. When I would ask about the policies put in place, specifically about family separation or building a wall, people had a few different reactions. Some would ask me if these policies were even true, and even if they did believe they were occurring, everyone expressed how that would not stop them from migrating. The economic systems of the community depended on immigration. The communities would not survive without the remittances. Because migrating to the United States is an economic necessity, and not just a personal choice, no deterrence policies put in place by the U.S. government will work to discourage people from migrating. All they do is make it more dangerous and more costly to migrate, with more people losing their lives, using fake papers, and paying exorbitant amounts to coyotes and smugglers.

Therefore, one mutually beneficial migration policy is renewable short-term visas. Short-term work visas allow people to come to the United States legally and work to provide for their families. This benefits the United States because it brings in workers which we need for our economy, especially the agricultural sectors, and provides cheap labor to the companies. This benefits the Oaxacan communities because it provides free, safe transportation to the United States, stable jobs, legal protection, and the ability to move back and forth across the border. This

also benefits the families who stay behind because they are still economically supported without the years and decades long family separation, the loss of family members in their journeys across the border, and the economical price they pay to have their family members migrate. As evidenced through both my community-based research, and the scholarly research on the U.S. immigration system, short-term visa programs benefit everyone involved and they should be more widely available and supported.

In Summary

Throughout this paper, one can better understand the impact migration has on the origin communities. These impacts provide key insights into how U.S. migration policy has created an international economic network and established patterns of migration that create U.S. and Oaxacan economic dependence on this migration. One can examine the complicated employment-based immigration system in this country and understand how its long history relates to its current challenges and issues. If the intense polarization around immigration can be overcome, there are simple solutions Congress can pass to improve the system and make it work effectively and efficiently for everyone. Immigration is not one sided, and should not be treated as such, and right now the immigration system is broken, but it doesn't have to stay that way.

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