

# Conclusion

## *Scaling Migrant Worker Rights*

The roots of this book extend back over a decade to when we were each engaged in simultaneous research on the organizational lives of Mexican immigrant workers in the United States. As sociologists working in interdisciplinary spaces, both of us became interested in how the Mexican state had emerged as a critical interlocutor in the conversations around workplace precarity (Gleeson, as a labor scholar obsessed with how bureaucracies function, and Bada, as an expert in Mexico's politics and transnational civil society). We each viewed the question of why and how the consular network had taken up the task of labor rights outreach and co-enforcement through our own lens.

What emerged—through the work of over sixteen research assistants, 206 interviews in twenty cities, and countless hours sorting through media and government archives—is a story that disrupts how we think migrant policies are created and implemented, why coalitions emerge and retreat, and the centrality of national borders—but also bilateral relations—in enforcing domestic rights.

### EPISTEMOLOGY OF THE SENDING STATE

From the beginning, the central approach of this research was *triangulation*. Rather than focus on the sending state as an autonomous actor, we attempted to understand both the multiple *relationships* Mexico maintained with other states and civil society organizations and the diverse *advocacy strategies* that shaped these relationships and Mexican policy. We knew that the letter of the law—as inscribed in the labor side accords of the North American Free Trade Agreement (NAFTA), the various labor codes in the United States, and the constitutional assurances Mexico extended to its emigrants and, more recently, to all migrants—was largely

aspirational and often disregarded. Our first step was to understand each of these legal arenas and the bureaucracies that had emerged to implement them.

To gain an understanding of how US labor standards affected Mexican immigrant workers, nearly half of whom were unauthorized, we started by talking with US labor agency staff themselves about their outreach strategies. We spoke with a range of US labor regulation actors operating across the span of a decade and three presidential administrations during which time a deterrence-oriented model of labor enforcement has persisted (Piore and Schrank 2018). We knew that the well-meaning “Don’t ask, don’t tell” approach of labor agencies when it comes to immigration status (Gleeson 2014) was not enough to dissolve community anxiety in an era of intensified immigration enforcement (both through the spectacle of devastating large-scale raids and through the far more effective but lower-profile audits honed during the Obama administration) (Griffith and Gleeson 2019). We spoke with representatives from each of the major US labor standards enforcement agencies (the Department of Labor [DOL]’s Wage and Hour Division, Occupational Safety and Health Administration, and Bureau of International Labor Affairs), the Equal Employment Opportunity Commission, and the National Labor Relations Board. We also spoke with seven Community Outreach and Resource Planning Specialist (CORPS) staffers, whose job it is to create and maintain consular relationships.

We fielded a survey with all representatives of the Mexican consular network and followed up with interviews with consuls in the Departamento de Protección (and sometimes other departments as well, such as Comunidades) in each of the fifteen cities that formed the pioneer cohort of the *Semana de Derechos Laborales* / Labor Rights Week. We then spoke with key Mexican officials at the Secretaría de Relaciones Exteriores / Ministry of Foreign Affairs (SRE) and the Secretaría del Trabajo y Previsión Social / Ministry of Labor, two federal bureaucracies that have proven critical to negotiating and fulfilling Mexico’s obligations to its emigrants. We treated enforcement and consular agencies as complex bureaucracies in which the left hand does not always know what the right hand is doing, officials have an enormous amount of discretion, and the implementation of national directives is subject to local capacity and preferences. All told, we spent at least fifteen years following and attending consular events in Chicago, New York City, and Northern California. We paired these longitudinal observations with recurrent (and often unsuccessful) formal requests to interview key foreign affairs personnel, as well as data requests to Mexico’s Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI). We also did a deep dive into the various social media (Facebook, Twitter) and news (print, radio, community TV) outreach related to labor rights that consular officials have cultivated over the years. These data formed the basis of chapter 2.

But the data that have perhaps most shaped our story here are the 176 conversations we had with civil society organizations across the United States, which gave

us their sometimes brutally honest take on the binational effort to improve Mexican immigrant worker conditions. These organizations (which include traditional labor unions, legal service providers, and an array of alt-labor groups, including worker centers and immigrant rights organizations) helped bring into stark relief the challenges Mexicans living in the US contend with when they interface with their local consulate. Our empirical goal was saturation in each project city, which we selected to represent traditional immigrant-receiving places whose consulates have been active on the labor rights front and new and emerging destinations (Atlanta, Austin, Chicago, Fresno, Houston, Los Angeles, Miami, Nashville, New York, Omaha, Orlando, Phoenix, Raleigh, Sacramento, Salt Lake City, San Diego, San Francisco/Oakland, San Jose, Tucson, and Washington, DC). Many of the groups in our study were part of federated organizations (e.g., labor unions), and we aimed to speak with their national leadership as well as with staff at sister chapters in other cities. Each city where we sampled respondents had a distinct infrastructure for immigrant labor advocacies. In some, unions were major players; in others, faith-based organizations took the lead in offering legal assistance. Throughout these cities, the advocacy goals often differed substantially, as did the local demography and political landscape of immigration policies. Insights from these national and local groups form the basis of chapters 3 and 4.

Finally, we spoke with twenty-two transnational NGOs operating in Mexico, which provided a critical perspective on the range of issues for which the sending state should be held accountable, as described in chapter 5. Beyond the consular network in the United States (and Canada), these organizations and the coalitional networks they have forged have leveraged bilateral and regional instruments to realize a migrant worker rights agenda that goes far beyond domestic co-enforcement models.

## KEY PATTERNS IN STATE-CIVIL SOCIETY RELATIONS

### *The Invisible Labor of Demanding Accountability*

Bilateral agreements do not simply arise through fully formed executive decrees. We uncovered hidden—and often conflicting—evidence regarding what led to the grand proclamations and policy shifts that dominated the news archives. The 2004 joint ministerial negotiations, the 2008 memoranda of understanding between Mexico's SRE and the US DOL, and the 2014 recommitment to enforcing immigrant worker rights were all preceded by loud and carefully coordinated calls for accountability from civil society on both sides of the Río Bravo. Thus we find that the official origin story of what became the *Semana de Derechos Laborales* gives outsized credit to bilateral diplomacy and overlooks the long haul of state accountability politics driven by civil society, whose efforts predate the joint ministerial negotiations and stretch as far back as the consular-appointed honorary commissions in the Midwest (Valdés 2000) and the independent *mutualistas* in the

Southwest, both in the 1920s (Pycior 2014). As Natasha Iskander (2010, 253) aptly describes, the state and migrants have redefined their goals and learned from each other transnationally through a long-running dance of state-society relations.

Such efforts to hold the sending state accountable can be traced back to the *braceros*' struggles to recover their meager savings from Mexican banks, as discussed in chapter 5. There are, to be sure, many instrumental reasons why the US DOL facilitated a partnership with Mexico's SRE, whose consular network could be used to conduct outreach within the largest immigrant group in the United States and a labor force overwhelmingly concentrated in low-wage jobs ripe for abuse. Similarly, the Mexican government (as Alexandra Délano Alonso chronicles) has over the years committed to a new path of engagement with its diaspora that has led to modest improvements on the issues of collective family remittances, absentee voting, and trade relations (Délano 2011; Délano Alonso 2018).<sup>1</sup>

Yet all along the way, the Mexican government has had to be coaxed into spending precious political capital on promoting immigrant labor rights and comprehensive immigration reform. Indeed, former Mexican president Felipe Calderón (2006–12), following the failure of his predecessor to make substantial advances on immigration policy, explicitly sought to *desmigratizar* the bilateral agenda<sup>2</sup>—that is, to remove immigration from it as a central issue (Durand 2013). However, pressure to keep immigration issues front and center in bilateral diplomatic negotiations came from multiple sources, including a new institution, the Consejo Consultivo del Instituto de los Mexicanos en el Exterior / Advisory Board of the Institute of Mexicans Abroad (CCIME), which was made up of many key Mexican labor leaders across the United States. Several union officials we spoke with claimed that they had single-handedly convinced the SRE to invest in what would become the Labor Rights Week, their preferred advocacy model of local engagement and one clearly inspired by the *Semana Binacional de Salud* / Binational Health Week.

Similarly, US labor agency officials in cities known for their collaborative partnerships (e.g., Chicago, Houston, Los Angeles, New York City) would all take credit for piloting the *Ventanilla Laboral* / Labor Rights Window. But whatever the origin (and there were likely many), it was clear that the Mexican government, and its US counterparts, would soon claim this national collaboration as their own; moreover, Mexico promoted a narrative that these partnerships were benevolent government creations that would help hold the US regulatory apparatus and unscrupulous employers accountable—thus downplaying its own regulatory failures vis-à-vis its foreign nationals. In turn, the long historical arc of Mexican migrant self-representation—in which migrants developed a “voice after exit” in order to gain visibility as political actors (Hirschman 1970; Fox 2007; Duquette-Rury 2019; Iskander 2010; Pycior 2014; Bada 2014; Valdés 2000)—was commonly downplayed by government bureaucrats.

But in fact, it was the demands of advocates themselves—sometimes outside formal channels, sometimes overly critical, and almost always rooted in a condemnation of the Mexican government’s historic abuse and abrogation of duty toward its diaspora—that (at least partially) propelled government bureaucrats to begin to embrace a bilateral commitment to upholding immigrant worker rights. Advocacy claims would take many forms, including invitations to consular officials to speak with workers (who in turn demanded greater involvement), formal proposals by labor leaders via the CCIME, and denunciatory petitions by transnational advocates to the National Administrative Office of the North American Agreement on Labor Cooperation (NAALC), the 1993 labor side agreement negotiated as part of NAFTA. Establishing state accountability is a drawn-out, nonlinear process in which allies sometimes coordinate their efforts and sometimes do not. In short, there was a series of simultaneous efforts—of varied intensities—to pull the Mexican state into a more engaged modality for the legal protection of Mexican citizens living abroad. Some advocates focused on the co-enforcement of migrant worker rights on the books in the United States (chapter 3), while many others took a more inclusive approach encompassing economic, social, and cultural rights in the receiving country (chapter 4) and back in Mexico (chapter 5).

Moreover, state targets often varied. In local communities, these could include the consul in charge of the Departamento de Protección, but most often the advocacy target was a low-level functionary who, day in and day out, heard the complaints of workers struggling to navigate the behemoth consular bureaucracy. During Labor Rights Week, the consular network would host labor allies (public officials and private civil society actors) to conduct outreach and “Know Your Rights” workshops to their captive audiences of migrants (as described in chapter 3). The consulate office also provided a podium for higher-ups from the embassy who came to share their vision for diaspora engagement with community leaders. In places like Chicago—home to a seasoned corps of progressive labor advocates—these ambassadors and ministers rarely escaped without receiving an earful from their skeptical constituents (as told in chapter 4). Beyond the formal petitions lodged to specific National Administrative Offices by coalitions of well-funded advocates based in the United States, Mexican civil society (based largely in the capital city) and allied labor federations continuously pressed the Mexican government on migrants’ *portable rights* and ultimately their *right to stay home* (as outlined in chapter 5). Each of these forms of migrant *voice* ensured that the formal declarations, memoranda, and agreements would have some enforcement bite and, at the very least, not become *letra muerta*.

### *The Possibilities and Limits of Tripartite Co-enforcement*

Our research revisits tripartite co-enforcement and situates the role of the sending state in the coproduction of labor regulation. The SRE and its various bureaucracies

and mechanisms for diaspora management offer a menu of supporting services for vulnerable migrants through the claims process. Despite its drawbacks, the Mexican consular network espouses an ideal version of immigrant rights claims making in which rights mobilization is not exclusively tied to deportation prevention, services are delivered in a claimant's language and according to the claimant's cultural sensibility, and a single ally can help manage a case and follow up with relevant bureaucrats directly as a claim inevitably drags on. The ultimate goal of the annual Labor Rights Week is to leverage the collaborative synergy of consular partners to educate workers about their rights, introduce each relevant agency in a neutral and safe space, and, in the best-case scenario, bring these resources directly into the community.

Yet we find that despite all their benefits, consulate offices are imperfect brokers. Labor regulation is only one of many priorities that consular Departments of Protection must juggle, and consular officials (who do not tend to stay long in a given post) bring with them their own agenda and list of programmatic priorities. Charismatic leaders often seek to leave a bold legacy, but their favored projects can vary substantially, from prison advocacy for Mexican inmates on death row to culture and art exhibits, fellowships for Deferred Action for Childhood Arrivals (DACA) students, and subnational trade missions. In the day-to-day operations of any Mexican consulate office, the issue of labor rights always has stiff competition. What is more, labor rights advocacy is a perennially underfunded priority, and the sheer magnitude of consular responsibilities and tasks can quickly overwhelm the best intents for outreach and direct service. This research thus highlights the need for greater institutional analysis of how priorities are set and executed within the consular network offices.

The collaborative nature of co-enforcement means that civil society/worker advocates must now coordinate with US labor agencies and Mexican diplomats, who sometimes—but not always—work in concert with each other. Harkening back to Piore and Shrank (2018), labor regulation is largely dependent on street-level bureaucrats who exercise an enormous amount of discretion (Lipsky 1980). And while this situation would ideally create an all-hands-on-deck approach that was mutually beneficial to all parties, what we find is that consular officials can sometimes cut out civil society advocates who are deemed too demanding, needy, or intent on the consulate sharing their labor organizing goals. They opt instead for direct partnerships with US regulators, whose directives are narrower in scope and less contentious and who are generally easier to work with. Consular officials are often civil service diplomats with narrow training, meager net salaries, and their own goals for promotion in the uncertain and highly political bureaucracy in which they are embedded. Therefore, while the sending state provides another important opportunity for supporting claims making and collaborating with local community partners (Gleeson 2016), it suffers from many of the same constraints as US labor regulators. This suggests that the work of an expanding set of actors

engaged in reactive claims making will never be a sufficient substitute for meaningful strategic enforcement and broader efforts to shift labor power, as we explain in the first chapter (Piore and Schrank 2018; Goldman 2018).

### *How Place Matters*

Any study of enforcement, civil society advocacy, and the role of the sending state must be locally grounded. Our research reveals the importance of place for understanding the devolution of enforcement patterns, as well as the factors shaping policy implementation (whether at the supranational, bilateral, or national level) (Varsanyi 2010). In the case of labor standards enforcement, certain state and local policies determine which enforcement agencies are relevant partners for co-enforcement. Labor and social movement actors simultaneously partner with and push against regulators, so local context also determines which ones they specifically target for accountability (Fine and Gordon 2010). For immigrant workers, labor policy inevitably clashes with federal immigration enforcement policy, and indeed, across the country various communities can skew either “pro rule of law” or “immigrant friendly.” Yet even in communities defined as “sanctuaries,” federal immigration enforcement is ubiquitous. On the flip side, in rural and other new destination contexts where immigrant reception is more circumspect and sometimes outright hostile, such as in Raleigh, North Carolina, immigrant advocates have worked tirelessly to create important openings for change.

Within this varied context the Mexican government implements its mandate to provide legal protection for its citizens living abroad. Industry differences across regions shape the priorities and statutory contexts for labor rights, as well as the outreach programming and coalition partnerships that are formed. For example, the concerns of agricultural workers in California’s Central Valley have led other activists to focus on the labor conditions for construction workers in the booming residential construction markets of places like Houston, Atlanta, and Dallas. However, while California’s Labor Commission and Agricultural Labor Relations Board provide some oversight over the agricultural industry there (collective bargaining rights that are otherwise absent from federal protections), in Texas and Georgia the dearth of state oversight leaves federal agencies as the main regulatory actor and contact point with foreign consulates. And even within states, regional differences can matter greatly, as central city populations are far better served than more isolated rural and suburban communities distant from the general consulate offices located in the urban metropolis. While mobile consulate mechanisms—sporadically coordinated and notoriously understaffed—meet part of this rural demand, they do little to extend the lasting collaborative potential of the consular network in newer destinations.

Demography also plays an important role in differentiating the strategies of each of the fifty-two consular offices. Places with large and long-established Mexican immigrant populations have offices with more resources and personnel, and



in turn more capacity to respond to community needs. However, these traditional and historic immigrant destinations are also home to dense concentrations of civil society groups, which can sometimes render the local consulate a less relevant actor. Nonetheless, in hyperdiverse global cities like Houston, Los Angeles, and New York City, the Mexican consulate can take on the role of “elder brother,” leading the consulate corps from Latin America in service and cultural programming for the Latino immigrant population as a whole. In places like California and Texas—home to ten and eleven offices respectively—cooperation between offices can also multiply capacity. Yet in cities with more recent indigenous migrant populations, such as Orlando, Miami, and Raleigh, local consulates have struggled to bridge the linguistic gap for non-Spanish-speaking migrants and to combat the classism and endemic racism of some diplomatic personnel.

Local consular priorities also vary according to the leadership of each consular office, whose aims often end up competing with those of labor rights advocates. The Departamento de Protección, for example, has no specific mandate or budget to handle workplace concerns, and thus its ability to funnel resources to labor outreach is highly variable across offices and changing presidential administrations. In this regard, immigrant civil society becomes a critical resource for orienting new staff (who may have scant knowledge of local labor issues and the regulatory bureaucracies that workers must navigate). A select group of these NGOs may even become consulate contractors to litigate high-impact labor/immigration cases (e.g., *abogados consultores*), or partners in staffing hotlines (e.g., the Catholic nonprofit in New York that staffs the LABORAL line or the collection of groups that help run the EMPLEO hotline in Southern California). These collaborations have provided the model for other consular collaborations, such as the EMPLEO-Pinoy partnership between the Consulate of the Philippines, state and federal agencies, and advocates in seven Southern California counties (including the Filipino Worker Center) (Constante 2015). Another place-based challenge is the lack of public transparency and social oversight in the provision of contracts to local law firms, which can create a climate in which conspiracy theories and allegations of fraud proliferate.

### *The Need for Portable Rights*

For advocates working from within Mexico and across North America and beyond, the local labor standards enforcement bureaucracy is not their biggest target. Nor is the consular network. Many US-based organizations with satellite offices in Mexico (Mexico City in particular) have led strategically assembled legal teams to defend the rights of guest workers in the United States by calling on the protections afforded by the NAALC. Petitions are carefully curated by alt-labor groups that focus on specific industries and sympathetic workers who are willing to testify in long and protracted battles with limited odds of success. These efforts have created very narrow material wins for some groups of affected workers and have succeeded



in putting both governments on notice. While not a complete deterrent, the high cost of this litigation sends a message to employers and labor recruiters looking to improve their bottom line by exploiting low-paid migrant workers.

Navigating international law arenas without the help of experts with law degrees is a nonstarter for the average person. For a returned worker awaiting restitution, winning or losing a wage theft case can have long-lasting effects and may affect reinstatement or trigger blacklisting in the next hiring season. The small group of dedicated pro bono lawyers mounting international class-action lawsuits to demand decent work conditions for temporary guest workers is part of a larger strategy to shift industry norms. These transnational legal advocates carefully court funders and supporters to change on-the-ground reality: the international temporary foreign worker recruitment system is rife with abuse, and the meager enforcement mechanisms in place are in desperate need of an overhaul.

These citizen petitions result from the work of well-funded (primarily US) philanthropy organizations, activist lawyers, on-the-ground organizers in rural areas (including in countries of origin), a credible class of plaintiffs, and a strong coalition focused on garnering broad public support. The campaigns are not easy to execute, sometimes requiring decades of building trust, often among strange bedfellows. Moreover, the ability to maintain a presence in migrant communities is hampered by security concerns, which have led some transnational NGOs to abandon their original outposts to protect their staff's safety. Even in Mexico City, where violence is moderate compared to outlying communities, local organization offices have had to reinforce their security protocols.

Keck and Sikkink's boomerang effect model suggests that advocates in the Global South need their Global North counterparts to effect change. However, we find significant regional divides between US-based organizations and groups rooted in Mexico. *Los norteamericanos*, as US and Canadian groups are often called, tend to garner disproportionate attention, with a focus on demands for legalization and calls to end employer impunity for workplace violations. Mexico-based groups, meanwhile, have focused increasingly on the "right to stay home" by reclaiming food sovereignty and calling attention to the needs of returning migrants seeking to reintegrate (or integrate for the first time) into the Mexican economy, social institutions, and educational and health care systems. While US-based immigrant advocates have fought tirelessly to reunite families who have been torn apart by detention and deportation—calling for visas that would make a path to legalization possible—a return to the United States is not always the biggest priority for Mexican civil society. As Mexico has gradually transformed into a country of transit, expulsion, and destination, immigrant advocates have grappled with the urgent needs stemming from a chaotic border where both governments collude to trample on migrant rights on both sides of the border.

Rather than viewing their country as simply the David to the US Goliath, Mexican advocates have repeatedly called on Mexico to account for its role in the

abuse of migrants at its southern border. As a major transit country that is now forced to contend with the aftereffects of Central America's brutal civil wars of the 1980s, Mexico has time and again feigned innocence as it denounces the United States for human rights abuses. Meanwhile, it willingly implements the "Remain in Mexico" policy of the US and expels destitute migrants from its own border communities without due process. After Mexico offered refuge to twenty-four Afghan journalists in the wake of the chaotic US military withdrawal from Afghanistan in 2021, Mexico's foreign minister and head of the consular network Marcelo Ebrard explained, "Maybe society in the United States is not aware of the Mexican tradition in terms of refugees." When he was pressed on the irony of making this statement while his country was simultaneously "stemming the tide of Central American migrants," the foreign minister responded that it was wholly consistent with Mexico's "push to make clear the difference between economic migrants and the people who are looking for refuge and asylum" (B. Smith 2021). Indeed, this illusory migrant-refugee binary, Rebecca Hamlin argues, is generated and fortified by the need to uphold state sovereignty around who has the right to entry (Hamlin 2021; FitzGerald and Arar 2018).<sup>3</sup> In the aftermath of this episode, Ebrard made public promises to process the asylum requests of thirteen thousand Haitian immigrants (teleSUR 2021). However, journalists continue to report on how the Instituto Nacional de Migración / National Immigration Institute has carried out ongoing deportations of migrants back to Port-au-Prince from Mexico (*El Sol de México* 2021).

As the region revisits possibilities for immigration reform, transnational advocates denounce any new proposals for guest worker programs that, harkening back to the Bracero Program, create cycles of debt and indenture (Gordon 2006). These programs inherently weaken labor protections and fuel an underground labor brokerage economy in which migrant workers are the least likely to benefit while a small group of growers reap significant profits. Moreover, though the Mexican government can indeed be a valuable resource for funneling restitution back to returned migrants (if and when they win their labor claims), Mexico has notoriously blocked any reforms that would create real improvements for the emigrant labor force. In 2014, after being held accountable for violations under the bilateral labor side accords, Mexico—via its National Administrative Office—was forced to institute changes to ensure that H-2A workers would receive information and resources prior to departing north. The long-lasting institutionalization of these supports remains uncertain.

The consular network represents a space where Mexican migrants can find refuge from endemic immigration enforcement and where they can demand linguistic and culturally appropriate support for navigating US laws and bureaucracies. Mexican immigrants on the whole, however, do not trust the Mexican government any more than Mexicans in Mexico trust their government. The opaque and antidemocratic institutions that Mexicans must navigate to exercise

their full citizenship rights generate a rational sense of caution and wariness (Fox 2007). After the ousting of the Salinas de Gortari administration in 1994 marked the end of an era of neoliberal antagonism toward migrants, governments inaugurated a rapprochement that included more forceful demands to defend migrant rights in the United States and Mexico. This shift, however, must be understood not only in terms of the dispositions of government leaders but also within the context of migrant advocates demanding change, budget transparency, and social accountability. This push now includes extending domestic rights and, increasingly, making rights *portable* (Caron and Lyon, forthcoming).

### *Immigrant Civil Society Is Not a Monolith*

The literature on state-society relations has previously focused on efforts to hold governments accountable to promote rural democratization (Fox 2007), political migrant engagement (Félix 2019), and the use of collective remittances for rural development (Goldring 2003; Duquette-Rury 2019; Bada 2014; Iskander 2010; Byrnes 2003). In our book, chapters 3 and 4 reveal the ever-shifting nature and complexity of these relations, which are defined by competing agendas and demands. For civil society groups involved in the relatively straightforward task of labor co-enforcement, there are well-defined ways in which the consular network can partner with labor organizations and legal service providers to educate workers about their rights. Labor Rights Week has created a template for turning the physical consulate office into a space for labor education and for training consular staff to field community queries about state and federal protections. In practical terms, local consulates are also able to leverage their diplomatic standing to interface with federal regulators and follow up with claims or cases in ways that civil society advocates rarely can. And for returned migrants, consular staff become a critical resource for tracking down claimants who are owed restitution.

Yet beyond the labor advocates and lawyers engaged in the formal bureaucracy of labor standards enforcement, the consular network—as an emissary of the sending state—can be a more complicated partner. There are ideological divides even within the labor movement over the extent of consular collaboration, with some wanting to work within the existing system to mobilize workers' demands and others more critical of the formal bureaucracy and its enablers—including the Mexican state and its representatives. More importantly, immigrant advocates vary in terms of what demands they make of Mexico: whether to focus on the challenges of immigrant life in the United States, the events that led to their decision to leave home, or both. The endemic corruption in Mexican governance, the farce of postrevolution labor protections (in a country where over half the population is in the informal labor market and fails to qualify in any way), and the deep-seated frustrations that immigrants relive with every visit to the overburdened and understaffed consular office color the relationship between Mexico's government and many immigrant advocates. Moreover, the official consular directive to

stay “neutral” in the host country means that paradoxically, the same diplomatic standing that gives consulates an opening to advocate for their citizens abroad also renders them formally unable to visibly advocate for them in most struggles for basic justice. Consulates therefore must balance this diplomatic stance with the immediate need to offer meaningful and direct advocacy to show their constituents that they truly care about their emigrants.

All this explains why civil society groups may opt to work from within or from outside the system. While the Chicago consulate has a long history of offering up its building for labor union events, some advocates have far more experience picketing outside that space, denouncing Mexican government impunity and the failure to respect the rights of braceros and electrical, mining, or newspaper labor unions, for example. The situation is even more complicated for other groups. For example, hometown associations often work with the consulate to funnel remittance dollars back to their communities of origin, often to fund development projects that should in theory be the responsibility of any functioning state rather than that of migrants (Bada 2016). These same organizations, however, have also forcefully lobbied for additional rights for expatriates, including the right to vote, the right to be elected to political office, the right to extend Mexican nationality by *jus sanguinis* indefinitely, and the right to gain representation in the now largely defunct CCIME. While some activist leaders have leveraged their consular access narrowly for personal gain, they have also crucially pressured Mexico not only on perennial issues such as trade, development, education, and access to health care but also when individual emergencies arise and a direct consular connection is needed to cut through red tape. These connections, however, are tenuous, requiring constant rebuilding as career diplomats are (regularly) reassigned and rotated.

#### EPILOGUE: IMMIGRANT WORKER RIGHTS AMID PANDEMICS AND POLITICAL CRISIS

The fieldwork for this book spanned over a decade, drawing to a close prior to the COVID-19 pandemic, which was deadliest for low-wage migrant workers in the United States, the largest plurality of whom are Mexican. In the United States, the migrant workforce accounted for more than 16 percent of the health care sector in 2020 (BBVA Foundation and Ministry of the Interior 2021), while two-thirds of hired farmworkers were born in Mexico (Ornelas et al. 2021). By May of 2020, the SRE reported that 959 Mexicans had died of COVID-19 in the United States, 67 percent of them in the state of New York. The news prompted a Mexican senator to issue a resolution *encouraging* the consular network to cover the corpse repatriation of all those who had died of COVID-19 in the United States. This led to the return of 245 ash-filled urns, which were transported in a military plane from New York City to Mexico City in July 2020. As the fatalities mounted, however, the SRE discontinued tabulating the death count and instead

issued a special how-to guide for handling corpse or ashes repatriation in times of COVID-19 (Redacción Animal Político 2020; Zepeda 2020).

This tragic scenario brings into sharp relief the ways in which diasporic bureaucracies become relevant, even in the afterlife. The necropolitics of counting and honoring the victims, however, should not overshadow the various inequities laid bare by the pandemic, including severe economic inequality, housing instability, barriers to health care access, and lack of social provision more broadly. During this crisis, the meager infusions of cash assistance provided by the US federal government excluded the most vulnerable immigrants, rental aid was difficult to access, and many immigrants feared making use of eviction moratorium protections (Cruz Guevarra, Bandlamudi, and Montecillo 2021). Mexico also failed its most vulnerable. While access to vaccines was essentially universal in the United States, in Mexico migrants from Central America and elsewhere were largely excluded in the early months of vaccine availability. The Center for Justice and International Law filed a report to the UN Special Rapporteur on the Human Rights of Migrants denouncing the lack of access to health care for migrants in transit with COVID-19. Pressure from local advocates mounted at the local level until Mexico's federal government, as well as some state health departments, agreed to offer limited access to vaccines for migrants (Cervantes 2021; CEJIL 2020; ZonaDocs—Periodismo en Resistencia 2021).

Consular assistance played an important role during the pandemic, especially in aiding travelers and visitors stranded outside their home country (IOM Research n.d.). In the United States, Mexican consular offices worked to direct food-insecure families to area food banks. In San Jose, these efforts were carried out in conjunction with the Ventanilla de Asesoría Financiera and the Mission Asset Fund (Consulado General de México en San José 2021). In Salt Lake City, consular officials circulated resource guides promoting safety measures and pointing to health care and other resources (Consulado General de México en Salt Lake City 2021). The Chicago consulate (which as of this writing covers counties in both Illinois and Indiana) created a guide specific to resources in the state of Indiana, encouraging migrants to also call the Centro de Información y Asistencia a Mexicanos / Center for Assistance and Information to Mexicans for navigational help (Consulado General de México en Chicago 2021). And in Miami, consular outreach included support from the Ventanilla de Salud, the Ventanilla de Orientación Educativa, and the Ventanilla de Atención Integral para la Mujer (with a nod to the rise in domestic violence during the shutdown) (Consulado General de México en Miami 2021). The New York consular office advertised a variety of state-run and philanthropic relief funds for restaurant and gig workers in New York City. Indeed, we identified at least two dozen such announcements by different Mexican consular offices across the country.<sup>4</sup>

Yet ultimately these resource and referral sheets reflected very little direct investment in relief efforts by Mexico, which is understandable given the country's

limited response to the pandemic as a whole. Mexico's central-left government inherited an underfunded patchwork of health care systems that quickly buckled under pressure, and the government increased health-related expenditures during the pandemic only slightly. By and large, the thorniest challenge for workers involved deciding whether to ignore the government's stay-at-home orders given the limited COVID-19 financial support available to citizens and businesses. They had little choice. The economic shock caused by the pandemic in Mexico forced workers to ignore stay-at-home orders in the absence of robust emergency relief (even well into one of the largest case surges of the winter that caused oxygen shortages followed by a significant rise in deaths in January of 2021). Amid this nationwide predicament, migrants in transit through Mexico—given their segmented incorporation into Mexico's labor market—had fragmented access (at best) to housing, health care, and other basic necessities (Zapata and Prieto Rosas 2020).

Today, undocumented Mexican immigrants continue to battle not only the health and economic impacts of the pandemic but also the ongoing effects of being concentrated in jobs that often lack health insurance (Duncan and Horton 2020), the exclusions for undocumented residents under the Affordable Care Act (US Centers for Medicare and Medicaid Services n.d.), and very uneven Medicaid access (Kaiser Family Foundation 2021). Under the Trump administration, changes to Public Charge rules created enormous confusion and made it difficult to convince even qualified immigrants to access the state and federal aid for which they were eligible (National Low Income Housing Coalition n.d.).

In sum, the COVID-19 pandemic has reaffirmed that an inquiry into the sending state's role in managing and engaging its diaspora must also consider the need for global coordination to ensure the dignity of work and basic social protections. This inquiry, however, cannot take place without a serious critique of capitalism and the centrality of free trade in bilateral negotiations, most recently evident in the United States-Mexico-Canada Agreement (USMCA). Transnational civil society has played a key role in broadening the labor protections under discussion in such negotiations (as well as those in other regional instruments such as the Central American Free Trade Agreement). A year into the USMCA, advocates have noted an improvement over NAFTA in terms of protections afforded to workers, though they have highlighted the continued need for real compliance mechanisms (as they did in their first petition under the USMCA in March 2021, which also alleged US violations of gender-based discrimination protections). The CDM used this initial petition as a point of departure to call on Mexico to pressure the United States into compliance, a reversal of the typical boomerang effect that tends to focus on leveraging the power of the "Global North." The need for bilateral cooperation was the running theme in these testimonies, which called on both governments to take charge of their responsibilities toward labor migrants. In addition to demanding concrete changes in the United States, these advocates expected the Mexican government to address the abuses that would-be migrants face when being recruited from their own homeland (Peña 2021; CDM 2021).

## DIRECTIONS FOR FUTURE RESEARCH

Our research suggests that the sending state should continue to be seen as both a coalition partner and an accountability target. While the United States is a prime immigrant destination, its relationship with Mexico is unique. Mexico does not replicate its vast bureaucratic presence in the United States in any other country, nor does any other country come close to replicating this consular presence in the United States. Further research, therefore, is needed to continue to hone the comparative scope conditions of these findings, and many scholars have already begun to conduct it (Iskander 2010; Margheritis 2016; Okano-Heijmans and Price 2019; Pedroza et al. 2016). Further, with fifty-two offices (fifty-seven including those in Canada), the Mexican consular network is not so much one central system as a collection of local outposts with rotating leaders who must respond to local norms and customs. Additional locally grounded research will continue to be important as new and emerging destinations evolve into well-established immigrant communities. And as Mexican migrants continue to move into diverse Latino metropolitan areas, it will be important to consider the role that pan-ethnic civil society plays in urging the entire Latin American consular network toward a more active negotiating stance with horizontal resource-sharing mechanisms (Délano Alonso 2018). The study of the Mexican state and its consular network (and the foreign ministry as a whole) as a complex institution (rather than a single bureaucracy) will continue to benefit from institutional ethnographies and an organizational approach that can disentangle the competing interests and power dynamics from within. As an example of this complexity, the various *Ventanillas*—some of them more aspirational than functional—often have very different directives and targets. Even with regard to labor rights, the legalistic instincts of *Protección* look very different from the outreach and prevention-oriented approach of *Comunidades*. The consuls in charge of each of these directorates wield a great deal of power, and more work is needed to understand their role in mediating rules from the central offices in Mexico City. Moreover, as we've seen with the implementation of the bilateral memoranda of understanding, and in light of the petitions to the National Administrative Office, the foreign ministry has increasingly coordinated with a range of domestic offices like the *Secretaría del Trabajo y Previsión Social*, the *Secretaría de Desarrollo Social*, the *Secretaría de Hacienda y Crédito Público*, and the *Secretaría de la Función Pública*, to name a few. Some of these ministries have offered transversal services to migrants and returnees, but resources to reintegrate Mexican migrants as binational citizens with full rights lack institutionalization and are still exceedingly opaque.

Similarly, US domestic agencies such as the DOL are complex entities that have to navigate different statutory obligations at home (such as the Wage and Hour Division and the Occupational Safety and Health Administration) as well as international engagements (such as the International Bureau of Labor Affairs—the unit responsible for coordinating the formal bilateral accords and collaborative



outreach efforts). Indeed, beyond the DOL, the wide array of other federal and state labor regulators all have somewhat distinct relationships with the consular network. More research is needed to understand what drives these dynamics, especially as each agency (within and far beyond the labor regulation sphere) continues to contend with the pall that immigration enforcement (much of it concentrated in the workplace) casts over immigrants' claims to their rights.

The Mexican consular network needs to be understood as working within not only the broader bureaucratic arena of labor standards enforcement and immigration "management" but also the wide array of other social outreach and co-enforcement entities described above. Indeed, the aspirational CORPS system established by the DOL (not currently located in all offices) situates the consular network in this broader ecology. To what extent destination states coordinate with sending states as bilateral partners with unique diplomatic power or as community-based entities with privileged access to migrant populations reveals the complexity of the destination state's migrant integration apparatus. In the United States, this coordination is largely *ad hoc*—with the exception of refugee resettlement—in contrast to more robust systems of cooperation in Canada (Bloemraad 2006a, 2006b). These factors have a significant effect not only on individual immigrant trajectories but also on how bilateral migration management relationships evolve. Comparative work with other major Mexican immigrant destinations (most notably Canada) should continue, especially as US immigration proposals (even those championed by many left-of-center immigration policy circles) are likely to resemble Canada's Temporary Foreign Worker and points-based programs (Chishti, Gelatt, and Meissner 2021).

All told, our research reveals that the need for subnational comparative fieldwork will continue, as will the need to continue systematic reviews of government archives. Much of this research relied on public records requests from INAI. While intended to increase transparency with the broader public, the INAI system (and the parallel FOIA—Freedom of Information Act—system in the United States) requires additional systematization to fully clarify the patterns of investment to implement bilateral accords via the consular network and how they vary across regions. Similarly, it is clear that some data were lost to the public in the wake of the Trump administration, leaving some important holes in our knowledge of how the DOL and other sister agencies were conducting outreach and engaging in co-enforcement with the sending state and other partners. Indeed, some web archives simply disappeared. Further, this labor rights fieldwork involves chasing moving targets that will require periodic review as administrations shift (every six years in Mexico), as laws change (such as the much-anticipated immigration reform Biden has promised but has yet to realize as of this writing), and as bilateral agreements emerge and fall away. Moreover, to the extent that state and local governments will continue to be critical partners for worker struggles, the consular network will need to remain relevant in jurisdictions where their lateral federal partners are not the main attraction for claims making.

Finally, labor and migration scholars will need to continue to skate the fine line between seeing national governments as relevant actors for managing their vulnerable migrants abroad and paying attention to the broader forces shaping the precarity of global labor in an era of advanced capitalism. While nation-states are not the sole architects of capitalist economies, these logics permeate the governance of borders and the bodies that move across them. The neoliberal consensus is also relevant for how we understand the prospects for organized labor, which has—not always but increasingly—embraced migrant members, and for global civil society, which often experiences cleavages depending on the willingness to accept neoliberal narratives and solutions. Neoliberalism has also shaped how emigrants are viewed by the sending state, as either human beings entitled to full rights or export commodities to be managed.

As the frontal attack on labor unions continues unabated and unionization campaigns become increasingly difficult to win in both Mexico and the United States, labor advocates may turn to each other more frequently, emphasizing commonalities and de-emphasizing differences. The common goal of retrofitting a regulatory framework aimed at reducing unfair competitive national advantages that exploit wage differentials among the most vulnerable workers is a perennial aspiration. US advocates may continue to increase pressure on the DOL to improve enforcement mechanisms for all workers regardless of legal status, while Mexican advocates may continue demanding that the Mexican government uphold the constitutional right to dignified social work. Accomplishing such reforms would allow people to stay home and defend the rights of those who were forced to cross a border to find higher-paying jobs.