



Migrants vs. Family-breaking Policy: A Mexican Home Community Proposes Policy Fixes¹

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Introduction

For the past seven years the community organization my campesino neighbors and I started up in the highlands of central Mexico, the Corner Institute of Malinalco², has provided crisis support to the families of our region's migrants to the U.S. We've found that a surprisingly large number of the desperate situations brought to us can be alleviated through common-sense solutions proposed to us by the families themselves: solutions we've been able to facilitate with the practical support of people working for a variety of organizations, institutions and agencies in the U.S. and Mexico, from church immigrant support offices to consulates, jails and detention centers. I believe these many positive experiences demonstrate that even when people's job descriptions, politics and positions on immigration policy reform may put them at odds in discussions about migration, when it comes to concrete proposals for solutions to problems experienced by individual migrants' families, the benefits to be gained are so clear that it's not all that difficult to achieve collaboration among the organizations and agencies whose combined assistance can make it possible to resolve the problems flawed immigration policies create for migrants' families.

In the talk this paper is based on, presented at the invitation of Mexico's National Immigration Institute, which hosted the Regional Conference on Migration's 2010 seminar on immigration policy, I set out to share lessons my team has learned in the course of working to resolve problems brought to us by migrants' families from our region. To say I gave this talk to a diverse audience is putting it mildly. Those present included policy makers and officials from the region's governmental immigration authorities, from Panama through Canada, including a sizable representation from U.S. Immigration Services and Homeland Security. There were academics from countries throughout the region, people from two Washington think tanks, and representatives of several national and international NGOs. My own organization was the only community organization represented in the gathering.

The first day's presentations made it clear that the participants' perspectives tended to fall

¹ This paper, revised in October 2012, is based on a talk I presented at the Regional Conference on Migration's April 2010 Seminar in Tijuana, Mexico. Photo above taken at the Corner Institute's summer program for migrants' children. Credit for all photos: Ellen Calmus; for reproduction rights contact info@elrincon.org.

² Malinalco is located in the Estado de Mexico, about a three-hour drive southwest of Mexico City. For more information about the Corner Institute's work, team and community, see www.elrincon.org.

on one side or the other of the familiar divide separating the two sides of the polarized debate around immigration policy: those most concerned with humanitarian issues as opposed to those whose primary concern is with security. In the question-and-answer sessions following the presentations you could feel temperatures rise as people from one side of the divide challenged the data and its interpretations as presented by those from the other side. By the end of the day I was feeling concerned about how to present my team's conclusions to such a polarized audience, and I confess that I also felt a bit intimidated by the prospect of addressing a group that included high-ranking officials from Homeland Security and an Immigration Services officer who'd registered some irritation at my questioning his statements about the impossibility of locating the parents of unaccompanied child migrants detained by his agency. I assumed the academics and representatives of the nonprofits present would be more sympathetic to our experiences, though I knew my presentation was bound to question some accepted wisdom from their perspective, too.

While I'd been able to communicate well enough with a number of immigration officials in the course of the Corner Institute's work helping migrants held in U.S. immigration detention facilities, and as a former professor in Mexican universities had no problem communicating with Latin American academics and representatives of nonprofits, I'd never faced the challenge of offering a presentation to both groups assembled together. Was it possible even to find a common language that would work for both sides of this discussion?

At any rate, I was relieved that my presentation had been scheduled for the second day. I stayed up late the night after the first day reviewing my presentation and rewriting it in an effort to present our experiences and ideas in the clearest and simplest way possible, doing my best to replace any language that might seem charged to one side or the other, and to pitch our ideas in a way that could address both sets of concerns.

When the time came for my presentation I decided to begin by stating explicitly what nobody had mentioned except in private: that there was in fact a divide in the perspectives represented there. I hoped that by describing this divide in terms of the relative priority given to humanitarian or to security concerns (concerns which I believe everybody can see to be valid, whatever their opinion regarding their comparative priorities) rather than in the tending-to-further-polarize concepts of pro-migrant versus anti-migrant, left versus right, progressive versus conservative, First World versus Third World, etc., this could help my chances of finding some common ground.

I proposed that the policy fixes I would present aimed at correcting the "family-breaking" aspects of current policy (inventing a term in Spanish: "*políticas rompefamilias*"), and that doing this would effectively address both sets of concerns by improving the current lamentable situation in both humanitarian *and* security terms, then followed with a power-point presentation of the text that follows.

I was pleased to find that the questions asked afterward came from participants on both sides of the humanitarian-security divide, and delighted to hear that both sides had found points of interest in my talk. The U.S. Immigration Services official who'd balked at my questioning the impossibility of finding the parents of unaccompanied child migrants asked – sounding truly amazed – whether it was really true that there are migrants in the U.S. who *want* to return to their homes in Mexico. When I assured him that it was, I was gratified to see many of the Latin Americans present confirming this with emphatic nods of agreement. In the break that followed

my talk a member of the Homeland Security delegation approached me to ask if he could buy one of the crafts I'd used to illustrate my organization's income-generating projects for migrants' families and children (and before the seminar closed, he and the most senior member of his delegation had bought my entire show-and-tell to take back to their offices).

But of course the real question is whether our proposals can be useful in implementing more effective policy. I believe they can. I hope the ideas offered here about how our experiences helping migrants' families may serve to suggest fixes that could be applied to our current flawed immigration policy.

I'll begin by offering some background about our community of Malinalco's early stage of migration, since this differs significantly from the generalized picture of migration most people have: I believe understanding this difference has been an important component of our success. Then I will describe some strategies migrants' families use to deal with the challenges they face in this context, along with aspects of current U.S. immigration policy we have observed to be particularly hard on migrants' families from our region.

But I believe it is the stories of the families who have come to us for assistance that will provide the best means of understanding how things go wrong for migrants' families under current policy. A selection of their stories form the backbone of this text, along with examples of the ways our community helped to resolve these families' problems and worked with us to launch two preventive programs designed to alleviate the difficulties affecting our migrants' children. I will offer key points of the methodology we've used to generate our organization's approach to solving the problems migrants' families bring us, in the hope that this could be of use to others interested in trying our approach. Finally, I'll describe a few policy fixes that we believe could be of help to populations like the migrants' families we serve in Malinalco.

Context: early-stage migration

The Corner Institute's experience working with migrants' families has led us to conclude that one of the main causes of shortcomings in immigration policy is a one-size-fits-all approach that fails to distinguish among different types of migration.

What we've learned from the families that come to the Corner Institute for assistance, and from an informal poll we conducted in 2006 with the help of Malinalco's state and federal secondary schools³, is that most of the migrants from our region to the U.S. migrated in the last ten years or less. In the course of serving this population we've observed that this early-stage migration is typified by a series of characteristics that differ significantly from those observed in migration patterns in regions where migration began decades ago.

It isn't surprising that early-stage migration is not as well understood as the more familiar, more visible and more established late-stage migration patterns. Journalists writing about migrants' home communities and seeking visible drama to illustrate their stories tend to do their reporting in places they've heard about, expecting to see a face of migration familiar to them from reports they or their editors have seen. I have received calls from journalists who've

³ Along with the advice and assistance of Daniel Lund, then president of the Mexican polling company Mund Group.

found our website or heard about the Corner Institute's work, wanting to know whether our area would be a good place to go to for reporting on migration. "Is there a noticeable shortage of men on the street?" I've been asked, and when I've explained that Malinalco does not have a visible dearth of men, at least not yet, I've heard them exclaim in disappointment that in that case they'd probably better find another place to report from, the curious conclusion seeming to be that if migration doesn't look like what they've seen in other reports, it must not be news. (Tellingly, the first journalist to see the value of reporting on the little-understood face of early-stage migration, Lourdes Garcia-Navarro of National Public Radio, won a major documentary prize for her reports from Malinalco.⁴)

Policy-makers seem similarly handicapped by assumptions based on more established migration routes, which lead them to conclusions that may not apply to early-stage migration from places like our region. For example, there is the common assumption that a Mexican migrant to the U.S. must necessarily be seeking permanent residence there, and that once this is established the migrant will use legal residency as a toe-hold from which to try to bring an ever-widening circle of family members from the home community to live in the U.S. This scenario does not reflect reality for the majority of Malinalco's migrants and their families, though the ironic fact is that current U.S. border and immigration policy effectively creates family crises that may force migrants to remain in the U.S. longer than they originally intended, to the point where they finally decide to bring their reluctant family members to join them, though they would have much preferred to stay home in Malinalco.

My organization's understanding of our region's early-stage migration is what led to our approach to solving the problems our migrants' families bring us, as well as to the policy recommendations suggested by the success of this approach. So, before continuing with a discussion of how El Rincón deals with the family-breaking aspects of current policy, I will describe a few key characteristics of early-stage migration taken from our observations and from reports by the families we assist, since these are significantly different from the characteristics of long-established migration patterns.

Characteristics of early-stage migration:

- **Migrants aspire to circular migration.** Migrants leave our area with the intention of spending limited periods of time in the U.S. and returning home as soon as possible. They typically have no desire to migrate permanently (though policy changes of recent years have made their hopes of returning in a year or two increasingly difficult to achieve, mainly due to the rising costs and dangers of returning to jobs in the U.S. after coming home to visit their families).
- **Jobs tend to be rural, seasonal and insecure.** As newcomers to migration, early-stage migrants take with them little job experience besides that of working their family's land, thus tend to work in seasonal agricultural jobs, typically hiring on for a season of planting or harvesting a particular crop, requiring a new job search at the end of the season.
- **Destinations are multiple, scattered and often temporary.** Unlike regions with long-established migration routes from a particular home community to a well-established destination in the U.S. where migrants from that home community are concentrated, early-stage migration is typified by migration to many scattered locations across the U.S.

⁴ Lourdes was awarded the 2006 Daniel Schorr Prize for Documentary for her radio series on Malinalco migration.

First-time migrants with no immediate family in the U.S. travel to a job they've heard about, where they may spend only a few months before traveling to their next job, perhaps in another state or region. Malinalco's migrants currently live scattered across the U.S., in at least a dozen states.⁵

- **Destination support is very limited.** Migrants from Malinalco rarely have more than one or two relatives or friends from home in the area where they are working in the U.S. When they run into difficulties there is generally very little in the way of support networks.⁶
- **Migrants' families stay home.** Malinalco's migrants, who are largely male, most often leave their wives and children at home when they migrate. They and their families report that currently migrants leave for the U.S. with the intention of returning to Malinalco in two or three years.⁷
- **Migrants' goal is to earn and return.** Migrants leave for the U.S. in order to work and send earnings home until a certain goal is reached, such as the construction of a house or the accumulation of sufficient savings to start a small business.

Early-stage migration from places like Malinalco differs so significantly from the more familiar and more frequently studied late-stage migration that it is not surprising to find that communities similar to ours use different strategies to deal with their particular disruptions and opportunities.

Family and community strategies in early-stage migration

Though an increasing number of the Malinalco region's families have been severely affected by problems encountered by their migrant relatives, these families represent a small percentage of Malinalco's total population at this early stage of migration. Extended families generally remain connected and the community as a whole is strong, responding with concern and solidarity when a local family reports a migrant relative's difficulty.

Extended families provide support to migrant family members, helping to cover the rising costs of migration. When a migrant leaves for the U.S., his or her children, or sometimes the reduced family unit of a young migrant's wife and their children, will be left in the care of relatives. When a migrant is injured or dies, families attempt to deal with problems and costs internally, often unaware of sources of assistance that may be available. By the same token, these families' difficulties tend not to be visible to outsiders. For these reasons (among others) it is not surprising that the impact of early-stage migration has failed to receive the same scholarly attention as the patterns evident in later-stage migration.

Our positive experiences with a population contending with the disruptions typical of early-stage migration suggest that, while the lack of resources more commonly available to late-stage migrants causes these disruptions to be particularly severe, strong families and united

⁵ Local families have reported family members living in a variety of cities and towns in the following states: New York, New Jersey, Pennsylvania, Ohio, Michigan, North Carolina, Virginia, Georgia, Florida, Texas, Arizona, California, Idaho, and Washington State.

⁶ An important reason families turn to our organization when migrant relatives are in trouble.

⁷ Up from the intended stay of a year reported a few years ago; migrants say they've had to extend their stays in order to pay for the higher costs of border-crossing due to stepped-up border security and increased control of remote border regions by drug cartels.

communities provide early-stage migrants with certain advantages, provided that they are able to receive the minimal assistance needed to deal with immigration policy operating in seeming ignorance of the particular burdens it creates for migrants' families.

Family-breaking immigration policy

Here are some examples of what my organization means by “family-breaking immigration policy”:

- **Immigration enforcement that is over-reliant on increased border control, resulting in human smugglers raising their prices and migrants remaining in place, limiting home visits.** As the costs of border-crossing increase, migrants need to work longer to earn enough to pay for their crossing, thus must wait longer to go home to visit their families. As a result, children will wait years to see their migrant mothers and fathers. Families in home communities may experience difficulties they are unable to handle without the migrant family member's presence, leading to stresses and misunderstanding that can result in a wife or husband taking another partner, who may or may not welcome existing children. These children may then be lodged with grandparents or other relatives. Migrants experiencing the extended isolation of lengthened U.S. stays may enter relationships with local partners, sometimes starting second families.
- **The deportation of migrant members of mixed-status families.** When an undocumented family member is deported, U.S.-based families face the dilemma of choosing from a limited set of alternatives, each involving its own costs. Deported family members may return to their home communities while family members with legal U.S. residency status remain in the U.S., hoping to keep children in their familiar schools and communities during the many years of legal appeals and obligatory waiting periods required to get the visa needed for the undocumented family migrant to be permitted to rejoin the family. Or, a family's inability to handle the costs and long waits involved in following the current legal route to reunification may lead deported family members to make additional illegal entries into the U.S. in an attempt to resume their lives with their families despite the risks, generally leading to further detentions and deportations. In other cases the U.S. citizen and legally resident family members may decide to relocate to their deported family members' home communities, leading to a series of bureaucratic complications⁸ and issues of language and cultural adaptation: children raised in the U.S. face many emotional as well as practical issues resulting from the drop in income and standard of living that can occur upon relocation to Mexico.
- **Increased levels of enforcement that push people into the shadows, leading to missed family connections.** Migrants who conceal their whereabouts for fear of being discovered by immigration authorities also make it more difficult for their families to locate them when they are sick or unable to communicate for other reasons. In responding to migrant families' requests for help locating missing relatives we have found that migrants' efforts at concealment from authorities can have the unintended side effect of defeating relatives' efforts to reach them with important family news; the resulting missed connections can cause a host of misunderstandings that may eventually lead to estrangements or relatives going missing for unknown reasons.

⁸ For example: it can be extremely difficult for families in Mexico to get the birth certificates of their U.S.-born children certified by apostille for Mexican use so that they can be registered in school, receive vaccinations from public health agencies, etc.

- **An opaque immigrant detention system.** Current detention center policies make communications intentionally opaque, in an attempt to thwart connections between drug traffickers and other criminals. For example, the current deportation process includes the transportation of deportees to undisclosed locations where they are held for an indefinite number of days without access to telephone communications before being sent for deportation across any of a number of points on the U.S.-Mexican border. Designed to impede criminals from reconnecting with fellow gang members, when it is applied to non-criminals this policy makes it impossible for the families of sick or disabled migrants to meet them at the border and help them get home safely. Such impenetrable systems can also make it extremely difficult for families to get needed medical attention for detained migrant relatives with health problems.
- **Privatized, prohibitively expensive prison telephone services.** The pricing of privatized U.S. prison telephone services makes it so expensive for detainees to call families in Mexico that many refrain from making the calls that could alleviate family fears or allow families to seek help for migrants experiencing health problems. We've seen charges for receiving just three twenty-minute collect calls from a frightened, sick migrant held in a U.S. detention center add up to the equivalent of a poor Mexican family's entire monthly budget.⁹
- **Visa restrictions that impede family visits for key family events or to care for sick or dying migrant relatives and other urgent needs.** The Corner Institute receives frequent requests for advice on how to get visas to travel to the U.S. to provide care to injured relatives or to attend the funerals, baptisms, weddings and graduations that are so essential to family life in communities like ours, providing the glue that holds families together from one generation to the next. Sadly, we must advise our migrants' relatives that requesting visas for these reasons is unlikely to improve their extremely slim chances of getting a visa, since current consular guidelines grant visas preferentially to people with economic means beyond what our migrants' relatives typically have.

These examples show some of the ways in which current U.S. immigration policy seems to be blind to the fact that migrants from places like Malinalco remain members of extended families, whether or not their families are present with them in the U.S. The tragedies resulting from policies impacting migrants' ability to function as members of their families, invisible though these tragedies may be in the U.S., make up the nine-tenths of the iceberg below the waterline: when these broken connections and resulting tragedies are seen and understood, migrants' behavior suddenly becomes far more comprehensible. It is not surprising that without this understanding, attempts to enforce such policy run aground.

Stories of problem-solving for migrants' families

I believe the best way to show how family-breaking policies affect migrants' families in communities like ours, and how positive results can occur when they receive the minimal assistance needed to enable them to deal with these policies, is by telling a few of their stories. The following accounts of families who have come to Instituto del Rincón for help illustrate some of the dilemmas migrant families face, and the strategies our community has used to resolve them.

⁹ Reported in September 2009 by the wife of a Malinalco migrant experiencing breathing difficulties while being held in Arizona's Maricopa County prison system.

Telephoning migrants in detention: Cynthia talks to her dad

Irma came to the Corner Institute in April 2007 seeking help locating her husband, Macedonio, who had called every month since he'd gone to work in Georgia until the previous December. She hadn't heard from him at all for four months. Thanks to a helpful consular official at the Atlanta Mexican Consulate, locating Macedonio was easy: he was being held in Georgia's Stewart Detention Center. Irma was relieved, but anxious to talk to him if possible, explaining that he was an orphan who suffered from depression when cut off from his family.

However, calling detainees held in the Stewart Detention Center involved accessing an opaque outsourced communications system that requires detainees to purchase prohibitively expensive phone cards to make outgoing calls. Relatives can transfer credit into a migrants' account through a webpage that starts by requesting a Social Security number and requires a minimum deposit of \$50. That seemed pretty steep just to be able to make a call, but I could see no other way, so I decided to do it. I tried at first to put credit into the account without entering my social security number, hoping to find out whether or not the system could be used by non-citizens: I found it difficult to believe that a telephone system installed for detainees at an immigrant detention center—who by definition did not have visas, and whose family members were probably in the same situation—would only permit access by U.S. citizens.

While I was working on this, Irma stopped by our office to tell me that their three-year-old daughter Cynthia had gotten the idea that her father had died, and nobody could convince her otherwise. I was so appalled I abandoned attempts to set up a calling method through Stewart's baffling pay phone system and got on our internet phone to dial a number I found listed for the warden himself. I asked him if he could help me put a call through to one of their detainees so this little girl who thought her father was dead could talk to him.



Cynthia talking to her father in Georgia's Stewart Detention Center (Malinalco 2007)¹⁰

¹⁰ All photos used here are by Ellen Calmus and Corner Institute staff; reproduction by permission only: info@elrincon.org.

The warden said he'd be glad to help—and better yet, his secretary explained who I should talk to among the sub-wardens and unit directors of that vast facility, and how to track them down as they traveled among the multiple buildings of the complex, in order to locate the person in charge of Macedonio's unit and set up a time when she could bring him to her office to receive our call. When Irma arrived for the call I asked if I could photograph what was starting to seem like a historic occasion after all these efforts, and I believe you can see in their faces how much it meant for them to be able to talk to Cynthia's father after months of not knowing what had happened to him.

In an interesting side-note to this story, both the unit manager and Fort Stewart's warden thanked me for making this possible, saying that in the often difficult context they work in, they truly appreciated the opportunity to do something positive.

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Job-creation and legal support for migrants' widows: Albertina supports her sons



Migrant's widow Albertina (second from left) learns to make hand-stitched bags to support her sons (Malinalco 2007)

Albertina came to our office after her husband was killed by a drunk driver in California. Her mother-in-law had told me that Albertina's depressed and desperate state made her fear she might migrate alone to the U.S. in order to support her two young sons. Albertina told me she had no idea what to do. She said she had some savings, and her mother-in-law was helping her, but the money would run out soon. She was desperate to find a way to earn enough to keep her boys in school. We'd been looking for some small gift sacks to use for the hand-carved brooches and earrings our artisans were producing in our first income-generating project, so when Albertina said she had some experience with needlework we invited a neighbor to help design a gift sack Albertina could produce.

We also found a lawyer willing to work pro bono to try to help Albertina get the benefits due to

her from the drunk driver's insurance company, and in the process we were able to stop payment to a corrupt lawyer who had presented the insurance company with another woman sharing Albertina's husband's surname, claiming she was his widow. During the two years Albertina waited to receive the insurance company's payment she supported herself and her sons by stitching the gift sacks and later an embroidered handbag that became one of our best-selling products. Albertina received an award from Malinalco's mayor in recognition of the inspiringly creative way she had managed to keep her boys in school and her family together despite the tragic loss of her husband.

* * *

Locating missing migrant relatives: Mario found and freed from a Georgia jail

Florencia was in despair after not hearing from her son Mario for over a year, wondering whether something had happened to him, afraid he might have been killed. After locating him in a Georgia prison, we were able to put Florencia and Mario's father on the phone with their son, reassuring them that he was well, and reassuring Mario himself of his parents' love and concern—a key point, we learned later, since it was Mario's reluctance to let his mother know he was in jail, and that he had been accused of a crime, that had kept him from telling his parents where he was.

Mario's public defense lawyer told me that he was facing a sentence of twenty-five years to life, accused of raping a minor. She was convinced of his innocence, yet believed that the jury trial that would result from a plea of innocence would only get him an extended sentence due to the assumptions prevailing about immigrants in that part of rural Georgia



Mario's mother and father talk to him in prison for first time since his disappearance a year earlier (Malinalco 2008)

But her attempts to explain the concept of plea-bargaining to Mario were stymied until my organization provided culturally-informed interpreting assistance via our internet phone,

allowing Mario to understand what plea-bargaining meant and why his lawyer was recommending it. After a twenty-minute conversation with his lawyer, interpreted in a way he could understand, Mario give his consent to a plea-bargain, and five days later he was released for time served and sent for processing by immigration authorities, followed by a speedy return to Mexico. Upon his arrival in Malinalco he visited our office, as you can see in the photo, bringing a bunch of roses in thanks.



Mario visits El Rincón with his mother and younger brother, bringing roses in thanks for his safe return home to Malinalco (Malinalco 2008)

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Family reunification: Nelly brings her sister and family home to Malinalco

Nelly's sister Zujey was in trouble in Atlanta: her husband's detention two months after their baby was born had left her without income while he faced deportation to Honduras. Nelly asked if there was a way for her brother-in-law to come to Mexico, instead, where her relatives could provide support to the reunited family.

Though it took considerable coordination to achieve the desired solution (later I called it the month of a thousand memos), the family's proposal made such obvious sense that we were able to get the necessary collaboration among the various agencies. Our state's immigration authority provided Edmundo with a humanitarian visa, which the Atlanta Mexican Consulate prepared to issue, the Honduran Consulate handling the paperwork needed for Edmundo's identification and the Atlanta Diocese providing the \$100 fee for the visa. In the end the detention center where he was being held sent guards to drive him the two-hour trip from the Stewart Detention Center to the Atlanta Mexican Consulate to receive his visa before transporting him to Mexico, where he was able to join his wife and their baby son. The photo shows the family's visit to our office the day after Edmundo's arrival.



Edmundo visits El Rincón with Zuje, their baby and Zuje's sister Nelly, whose request for help led to the family reunification (Malinalco 2009)

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Family reunification: Gustavo, Alexis and Janet

When their U.S.-born son Alexis was two years old, Janet and her U.S.-citizen husband Gustavo decided it was time to regularize her immigration status. When Janet applied to U.S. Immigration Services she was told that before she could receive her visa she would need to leave the U.S. to report to a U.S. Consulate in Mexico, and that she would then be prohibited re-entry for eight to twelve months as punishment for having lived in the U.S. without a visa, though she could apply for a waiver of this requirement.

Janet believed the consular officials would see that the greater punishment of this waiting period would be inflicted on her little boy, and was hopeful that her petition for a waiver of the waiting period would be granted, allowing her to return to the U.S. to rejoin her husband and child. However, her petition was denied. Refused reentry into the U.S., she returned to Malinalco to stay with her mother while Gustavo appealed the decision.



Gustavo, Alexis and Janet visit El Rincón's office while waiting for Janet to receive her approved visa

and return home to Pennsylvania (Malinalco 2010)

Two years later Janet was still in Malinalco waiting to be allowed to receive her already-approved U.S. visa: two years when Alexis could only see his mother about four times a year, when Gustavo was able to take leave from his job as a Pennsylvania forklift operator and fly him to visit his mother in Malinalco. One of the times Gustavo and Alexis came to visit, Janet brought them to our office, and we began making calls.

Gustavo told me he had contacted his congressman's office, where a legislative assistant named Mary was helping constituents with immigration-related difficulties. He thought Mary had seemed sympathetic and was hoping she would make sure his case received the attention needed to bring it to a resolution. We contacted Mary, who clearly remembered this family's case and spoke with sympathy of Gustavo's plight, though she explained that so far her activity on their behalf had been limited to responding to Gustavo's occasional queries to her office by checking to see if the published lists included his case, then letting him know that there was still no progress.

As a legislative assistant in a U.S. congressional office, Mary was able to make direct contact with U.S. Immigration Services and the Juarez consular officials. But she told me that in view of U.S. consulates and immigration authorities' tremendous caseload, she preferred not to bother them unless there was an emergency. I argued that the very long wait this family had already experienced while waiting for Janet to be able to rejoin her little boy, now about to celebrate his fourth birthday and showing evidence of serious anxiety regarding his mother (during their visit to our office he was visibly irritable and anxious, clinging to his mother more than normal for a child his age), did in fact constitute an emergency. Mary said that if I wanted to email her a summary of this family's situation she might forward it to the appropriate officials, then call to find out whether there was some problem was causing the delay.

Whether or not this email made a difference, it seemed my asking when I might call back to find out what response she'd received had effectively established a timeline for providing information on Janet's case and getting it moving through that clogged system. A few weeks later Janet received word that she was to report to the U.S. Consulate in Juarez, though she was advised that due to the long period that had elapsed since she had initially submitted her application she would have to report to Juarez two days earlier in order to get a second medical checkup and submit additional documents. She would then be asked to wait in Juarez to learn of the Consulate's decision on her case. The letter said that though her visa had been approved, this approval could be withdrawn at any time.

When I learned that the waiting period was normally three to five business days, which would mean that Janet would be waiting an entire week in what was swiftly becoming the most violent city on the continent, I called Mary to ask whether an email could be sent to the consular officials requesting that they expedite the decision on Janet's case, or whether the fact that this case involved a mother trying to rejoin her little boy in Pennsylvania might justify having it sent for processing in a consulate located in a city less plagued with violence. Mary explained that the current overload of cases being handled by the U.S. consulates on the Mexican border had led to the decision to have the different consulates specialize in types of cases, for greater efficiency: at this time, all family cases were being handled by the Juarez consulate, so there was no way for this case to be sent somewhere else. I urged her to do whatever might be possible to

request that the consulate expedite Janet's case. Whether or not this helped, later that same week I was delighted to learn that Janet had received her visa two days later, and had at last been able to rejoin Gustavo and Alexis in their home in Pennsylvania.

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Preventive support for migrants' children

Most of the migrants' wives, sisters and mothers who visit our office bring their children and grandchildren with them, so we meet many children growing up in our community in the absence of one or both parents. We hear about these children showing signs of emotional and behavioral problems, which in turn affect their ability to do well in school. They may have trouble relating to other children, difficulty paying attention in school, or they may get into fights or show signs of depression. Other migrants' children are over-achievers, getting high marks in the schooling they know their migrant parents are making a sacrifice in order to be able to provide for them, though they frequently suffer from such social and emotional problems as shyness and depression.

The U.S.-born children coming to live in Malinalco with returnee migrant parents experience a number of other difficulties. Some are unable to speak, read, write, or comprehend Spanish, and they have to cope with the double trauma of adapting to a new school environment (sometimes very different from what they're accustomed to) in addition to having to do their learning in an unfamiliar language. Parents report emotional problems in the older U.S.-born children, especially. Not surprisingly, children arriving from the U.S. as infants or toddlers adapt more easily, though in almost all cases parents of U.S.-born children must deal with the bureaucratic nightmare of getting their children's birth certificates apostilled.

We have started two programs offering preventive assistance to migrants' children and their families: one provides help getting U.S. birth certificates to the appropriate state agencies for apostilling; the second is a summer program offered to the children of migrants to the U.S.

1. Help to returnee families with U.S.-born children: Apostille Day in Malinalco

An increasing number of returnee migrants bring U.S.-born children with them to Malinalco. Mexico welcomes these children, and all children of Mexican citizens have the legal right to Mexican citizenship wherever they may be born, but since Mexican government officials can't be expected to be able to judge the authenticity of a birth certificate from, say, Macon, Georgia, Mexico requires that U.S. birth certificates be apostilled by the U.S. state that issued them in order to guarantee their authenticity for official use in Mexico.

Mexican schools are instructed to accept these children regardless of their documentation, but not having the properly apostilled birth certificates causes bureaucratic headaches for school administrators, and children can't graduate without them. Parents are asked to get their children's birth certificates apostilled as quickly as possible, frequently within 30 days (a deadline no agency on earth could meet given the current complications of the system). Some schools give parents the phone numbers of lawyers who can help with this process — at a cost of thousands of pesos, which these families are unlikely to have after the deportations, job losses and other difficulties they've generally experienced before their return.



Corner Institute volunteers with State of Mexico officials at Malinalco's Cultural Center, assisting with the apostilling of U.S.-born children's birth certificates (Malinalco 2009)

Mexican state governments can provide help, sending these birth certificates to offices they have in the U.S. There, a staff member in charge of assistance to migrants from their Mexican home state can submit the birth certificate to the appropriate U.S. state on the migrant returnee's behalf, subsequently sending the apostilled document to the migrant's assistance office in the migrants' Mexican state.

However, these services are not publicized in rural communities like Malinalco, so migrant parents rarely hear of them. At the same time, the fact that these offices are located in our state capital of Toluca makes it more difficult for our campesino families to receive these services, as they find it difficult to get around this large urban city, while many have had previous negative experiences with state officials that make them hesitant to seek help there.

The Corner Institute worked together with our state's office in Houston, which arranged to send a state official from Toluca to receive these birth certificates at Malinalco's municipal cultural center. Our municipal government provided tables, chairs and coffee for the state officials, who worked together with our team members and a couple of volunteers who came from Mexico City to help.

On Malinalco's "Apostille Day," which we'd publicized with posters in the area's schools, there was a line of parents formed and waiting for this service before Malinalco's Cultural Center opened its doors.

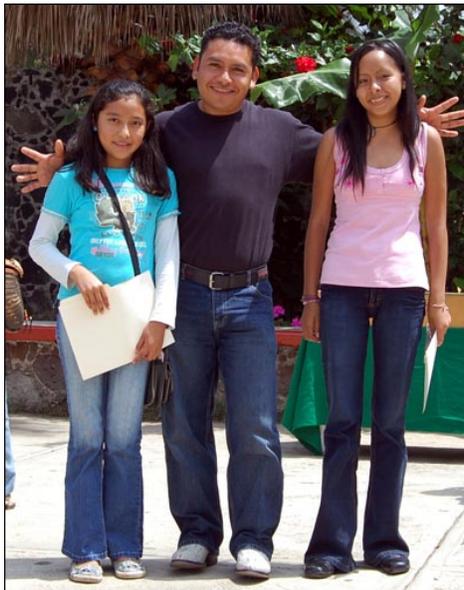
The Corner Institute continues to help families get their U.S.-born children's birth certificates to the appropriate state offices. However, the delays and complications involved make the process extremely time-consuming, expensive, and distressing for migrant parents; for example, some U.S. state offices are known for rejecting birth certificates that are created, or won't accept a birth certificate issued more than six months earlier. We are aware that the service we and our state government's Houston office provide is a stopgap solution to a very broad problem requiring a reform of the existing apostilling system, which is clearly inadequate to meet current needs.

2. Summer programs for migrants' children

Summer programs in collaboration with local schools provide classes designed to reinforce skills in English and Spanish, activities designed to build self-esteem and social skills, and—the children's favorite—classes in our region's traditional woodcarving skills taught by Malinalco's master artisans. Children who need to help support their families can sell us their crafts for export, making it possible for them to earn money without needing to drop out of school.

The parents and grandparents who care for these children report improvements in their emotional well-being after attending our summer programs. Teachers and school administrators have given these programs their enthusiastic support, saying they've noticed improvements in the children's performance in school, and believe that our programs are lowering the elevated drop-out rate of students with parents in the U.S.

However, pleased as we are with the positive results for the migrants' children participating in our summer program, we should not lose sight of the fact that although these children manifest many of the symptoms seen in orphans, they do, in fact, have living parents who want very much to be with them, if not full time, at least in as frequent visits as possible. The opportunity for these children to spend time with their parents would surely be far better for them in terms of their general well-being than all the positive results our summer program could achieve.



Malinalco master artisan Jaime Flores, migrant returnee, poses with students Thania and Ana Lilia at closing ceremony of summer program for migrants' children (Malinalco 2008)

Solution-generating methodology

El Rincón's formula for success includes: 1) working out of the home community of the migrants and families we serve; 2) providing technical support such as internet communications and translation services; and 3) building links to connect migrants' local home community with home country agencies, destination country agencies, and migrants' destination community.

I believe the positive outcomes of our approach to solving the problems our migrants'

families bring to us are due in great part to our location in our migrants' home community. Our close connection to the community gives us a better understanding of these families. Our staff is made up almost entirely of members of Malinalco's campesino community, some with family members in the U.S. I am continually impressed with local families' ability to offer their own proposals for the needed solutions to their migrant relatives' problems, requiring only a small amount of technical and language support to resolve problems and move forward with their lives.

Having services available in migrants' home communities makes it easy for families to access these services, and for us to follow families' situations over time. In some instances, families we've helped have in turn provided assistance in resolving subsequent cases brought to us by other families.

Internet communications provide an excellent way to build connections. Community members can easily call their migrant relatives in their U.S. using an internet telephone service, which also provides an economical way for our team to call Mexican consulates, U.S. dioceses, hospitals, lawyers and a host of helpful agencies and organizations.

Technical support such as scanning and emailing such needed documents as birth certificates, car titles, bank statements, etc., provides effective solutions to many difficulties, assisting by our interpreting support when needed. Internet communications have also made it possible to speed up written communications between families and their detained migrant relatives, as letters can be scanned and emailed to friends near detention centers in the U.S. to be printed and mailed, thus shortening delivery time from weeks to a few days.

Recommendations

While I believe there are many lessons to be learned in the course of serving the home community of migrants to the U.S., as well as a number of interesting and useful implications in terms of improving policy, I will limit this discussion to a few simple recommendations that I believe would be of great practical help to populations similar to Malinalco's migrants to the U.S. and their families here in Mexico:

1. **Provide low-cost telephone communications for detainees with families in Mexico.** The extremely high charges of the privatized prison telephone services should be controlled and subsidized to lower the cost of calls from migrants in detention to their families in Mexico. The benefits gained from allowing migrants and their families to deal more effectively with their difficulties would far outweigh the costs.
2. **Update the guest worker visa program.** Seasonal visas would help people from places like Malinalco do the kinds of U.S. jobs they are doing now, while allowing them to return home to their families and children. This would add to the number of temporary agricultural workers the U.S. requires on a seasonal basis, while permitting our migrants to emerge from the shadows of illegality and keep more of their earnings, taking the profits from their border-crossings out of the hands of human smugglers.
3. **Allow mothers and fathers of U.S.-born children to remain in the U.S. while waiting for visas to be approved.** The approval process should be conducted with transparency and accountability to the family. Family cases should not be required to report to U.S. consulates located in places experiencing high levels of violence.
4. **Simplify and standardize requirements for apostilling birth certificates of migrant**

returnees' U.S.-born children, assuring that each state office is equipped to send the apostilled documents to addresses in Mexico safely via express services providing adequate security so that documents worth their weight in gold to fabricators of false U.S. documentation can reach their destinations safely. Offices that make this apostilling process excessively onerous for migrant parents of U.S.-born children should be held accountable.

5. **Create a network of home-region-based support modules** providing a) Internet-facilitated low-cost communications between families in Mexico and their migrant relatives in the U.S.; and b) volunteer-staffed English-language support to place calls to the U.S. agencies with which migrants have difficulties, help families understand the situations their migrant relatives are dealing with, and sort out problems wherever possible. An informal poll I've conducted among some of Mexico's migrant-support programs has revealed an interest in cloning this part of our services as well as a willingness to incorporate such volunteers into their programs. I believe there is considerable potential for identifying volunteers interested in spending a year offering this service among the idealistic U.S. baby boomer generation now beginning to retire.

Conclusion

I've offered just a few recommendations that have evolved from our team's experiences working to resolve problems brought to us by the families of migrants from our region. I realize that, given the magnitude of problems with current policy and the scope of changes required to achieve the "comprehensive immigration policy reform" so many are urging, this modest list of remedies may seem a very small offering. And of course we should not forget that these recommendations are based on work in an area experiencing early-stage migration, and thus might require some adjustment for migrants from places whose migration experience goes back generations.

But I believe there could be advantages to approaching the needed reform in a more focused, if less ambitious, manner. While there does seem to be a general consensus that a "comprehensive" reform is needed¹¹ for our "broken" immigration policy, that seems to constitute the sole point of general agreement on this issue. Ideas about the specific points to be included in a comprehensive immigration policy reform vary so widely, with each version proposed by one interest group generating such heated opposition by another (further aggravated by the polarized rhetoric of the partisan divide), that many seem to have concluded that no real reform is possible in the near future and have abandoned the discussion in frustration.

What if, instead of proposing sweeping policy reforms that, due to the wide misunderstanding of immigration issues, will never achieve the public consensus needed to pass legislation, we moved the discussion forward by implementing more modest remedies that set out to correct specific policy problems? Could the win-win advantages of fixing the family-breaking aspects of current immigration policy, providing clear benefits to both the humanitarian and security problems with current policy, help to achieve sufficient consensus to implement these fixes? An advantage to this approach would be that real, visible improvements for migrants' families and their communities would begin to be evident on both sides of the border,

¹¹ Poll Shows Most in U.S. Want Overhaul of Immigration Laws." *The New York Times* May 3, 2010.
<http://www.nytimes.com/2010/05/04/us/04poll.html>

helping to create areas of public understanding upon which to build the consensus needed to move forward with further policy improvements.

Our experience putting the common-sense solutions brought to us by the migrants' families in our community into practice offers evidence that these areas of practical work with migrants and their families offer the possibility of arriving at point-by-point agreements on policy improvements. We have requested and received the help of a wide range of people in agencies working directly with migrants in the U.S., regardless of their political affiliation or ideological position on immigration. In this sense, you could say that these policy proposals have actually been field-tested, since they are based on practical solutions that have already been applied in individual cases. These proposals simply take the practical solutions we have worked out on a case-by-case basis and apply the lessons learned toward fixing some of the problem areas of current policy.

I believe the successes our small community organization has been able to achieve is a result of the creative problem-solving brought to these issues by the people in a migrants' home community, whose experience includes that nine-tenths of iceberg lying below the waterline of visibility in the U.S. This would seem to suggest that in considering policy improvements going beyond the scope of this paper, we would be wise to seek ways to shine some light on the experience of migrants' families in their home communities. In fact, I believe this is our only hope of creating policy that will not run aground on the complex challenges of our increasingly globalized world.

There are certainly security issues. In fact, I believe that by fixing the family-breaking aspects of current immigration policy, our border security can benefit as well. When family fragmentation can be prevented, an important cause of the most dangerous kind of migration is eliminated, the kind that results in desperate adolescents and even children heading north on their own across a violent border, unprepared for what they may find, making easy prey for human traffickers and potential recruits for the drug cartels that are gaining an increasingly strong foothold along our border.

My hope, and the hope of our team in Malinalco, is that the Corner Institute's positive experience could be helpful in identifying common ground that might serve to advance improvements in those areas of policy and enforcement that are currently causing needless suffering among migrants' families caught in the family-breaking workings of current U.S. immigration policy.



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