

Chapter Seven – The Right to Not Migrate and Radical Reform

Challenging the Washington DC Consensus

One of the most direct challenges to labor-based migration has come from the FIOB assembly in Oaxaca in 2011. In the year leading up to it, then-coordinator Gaspar Rivera Salgado organized a series of workshops for the organization's chapters in California. In the first one in Los Angeles, a meeting of 30 active members divided themselves into groups to analyze the impact of NAFTA, the 1986 Immigration Reform and Control Act, and of the 1996 Clinton-era immigration reform bill. They then regrouped to put forward proposals for changing both trade and immigration law in the U.S. Rivera Salgado told them that in the U.S. "migrants need the right to work, but with labor rights and benefits." In Mexico "we need development that makes migration a choice rather than a necessity -- the right to not migrate. Both rights are part of the same solution. We have to change the debate from one in which immigration is presented as a problem to a debate over rights."

The Los Angeles meeting outlined a broad set of principles for fundamental change -- a FIOB program for immigration reform. That document was taken to FIOB chapters in other areas of California for discussion, and the California delegates then brought it to the binational assembly in Oaxaca in the fall of 2011 for adoption. Irma Luna chaired the assembly subgroup that discussed immigration reform. She was later elected FIOB's statewide coordinator for California.

The organization's process for determining its own program was unique because it brought together discussions among migrant community activists on both sides of the Mexico/U.S. border. This produced a creative tension at the Oaxaca assembly between members living in Oaxaca, those from Oaxacan migrant communities elsewhere in Mexico, and FIOB members living in California. California delegates brought with them the product of their dialogues, which concentrated on changing U.S. immigration and trade law. Delegates from Oaxaca were insistent on producing a position that called on the Mexican and Oaxacan governments to implement economic development that would make migration a voluntary option, rather than a necessity for survival. They also called for the defense of the rights of Central American migrants traveling through Mexico to the U.S. And delegates from Mexico City and Baja California talked about the need to protect the political rights of Oaxacan migrants living in other Mexican states, as well as economic rights like housing, education and higher wages.

A common thread through their different perspectives was rejection of the idea that Oaxacans should simply be a source of cheap labor for guest worker programs. "We have seen what happens to us in these programs," one delegate said during the discussion. "The things that are important to us as people -- our families, our culture and language -- have no place or importance in them. We're just valued for our ability to work. Once that work is done, we have no place in that world our labor creates."

The FIOB proposal is similar to that advanced by the Dignity Campaign, a loose coalition of organizations around the country that has proposed an alternative to the comprehensive immigration reform bills. Most of the campaign's constituent organizations participated in earlier coalitions opposing employer sanctions and guest worker programs. The Dignity Campaign brings together immigrant rights and fair trade organizations, encouraging each to see the global connections between trade

policy, displacement and migration. It connects unions and immigrant rights organizations, seeking to spur opposition to immigration enforcement against workers, highlighting the need to oppose the criminalization of work.

The Dignity Campaign proposal draws on previous proposals, particularly one put forward by the American Friends Service Committee called “A New Path,” — a set of moral principles for changing U.S. immigration policy. Several other efforts were also made earlier by the National Network for Immigrant and Refugee Rights to define an alternative program and bring together groups around the country to support it.

The critique shared by all these organizations contends that the comprehensive immigration reform (CIR) framework ignores trade agreements like NAFTA and CAFTA. Without changing U.S. trade policy and ending structural adjustment programs and neoliberal economic reforms, millions of displaced people will be forced to migrate, no matter how many walls are built on the border. The CIR proposals were built on the three-part structure of guest worker programs, increased enforcement and legalization of the undocumented. Most conditioned legalization on “securing the border,” a Washington DC euphemism for a heavy military presence augmenting 20,000 Border Patrol agents, creating a climate of wholesale denial of civil and human rights in border communities. Changing corporate trade policy, however, was not part of any of the CIR proposals, because corporations were not only a central part of the alliance supporting them, but in some cases even wrote them.

The Dignity Campaign proposal, in contrast, begins by requiring Congress to end the use of the free trade system as a mechanism for producing displaced workers. It calls for delinking immigration status and employment, which would involve giving migrants green cards, or residence status, instead of work-based visas, as well as ending workplace enforcement. To raise the low price of immigrant labor, it calls for reinforcing the ability of immigrant workers to organize. Permanent legal status makes it easier for workers to organize, while guest worker programs, employer sanctions and raids make organizing more difficult.

Some of the basic points of the Dignity Campaign proposal include:

- Giving permanent residence visas, or green cards, to undocumented people already in the U.S., and expanding the number of green cards available for new migrants.
- Eliminating the years-long backlog in processing family reunification visas, strengthening families and communities.
- Allowing people to apply for green cards, in the future, after they’ve been living in the U.S. for a few years.
- Ending the enforcement wave that has led to thousands of deportations and firings.
- Repealing employer sanctions, and enforcing labor rights and worker protection laws.
- Ending guest worker programs.
- Dismantling the border wall and demilitarizing the border, restoring civil and human rights in border communities.
- Responding to recession and foreclosures with jobs programs to guarantee income and remove the fear of job competition.
- Renegotiating existing trade agreements to eliminate causes of displacement and prohibiting new trade agreements that displace people or lower living standards.
- Prohibiting local law enforcement agencies from enforcing immigration law, ending roadblocks, immigration raids and sweeps, and closing detention centers.

The common ground between the FIOB proposal and the Dignity Campaign is agreement that the root problem with migration in the existing global economy is that it's forced migration. Both agree that people should have the right to not migrate. At the same time, they both call for basic human and labor rights for those who do migrate. They both oppose denying people rights or benefits because of immigration status, and envision a popular coalition that can push back against raids and anti-immigrant hysteria, toward more equal status.

Proposing programs for reform implies building a political coalition capable of fighting for it. The Dignity Campaign strategy is based on seeking mutual interest among workers, calling for jobs and rights for everyone in order to unite diverse communities. Bringing together African American and immigrant constituencies is a basic part of that strategy. Black unemployment, high even in boom times, reached catastrophic levels in the current recession. Very little, however, is a result of displacement by immigrants, and is caused mostly by the decline in manufacturing and cuts in public employment. In the 2001 recession alone, 300,000 out of 2,000,000 Black factory workers lost their jobs.

Nevertheless, unemployed workers and immigrants are often pitted against each other in low-wage job competition in some industries. In the growing service and high tech industries, African American and Chicano workers are often anathema to employers because they demand high wages. Many of the organizations in the Dignity Campaign therefore supported an immigration proposal by Congressional Representative Sheila Jackson Lee, which included job training and creation programs for unemployed workers combined with legalization and labor rights for undocumented immigrants.

Jackson Lee proposed to attack job competition by requiring Congress to move towards a full-employment policy. In her view, progressive reform, whether on jobs or immigration, needed an alliance between working people -- immigrants and native-born, Latinos, African Americans, Asian Americans and whites. In contrast, the strategy that supported the CIR bills was an alliance with employers based on new guest worker programs. Those would increase job competition, push wages down, and make affirmative action hiring much more difficult.

The Dignity Campaign and FIOB proposals, therefore, are not just an alternative program, but also an alternative strategy of alliances among communities and constituencies based on their mutual interest in rights, jobs and higher wages. The CIR alliance with employers made it impossible to include in its proposed immigration bills any proposal for renegotiating NAFTA or opposing displacement caused by trade agreements -- one of the principle causes of migration. By contrast, the Mississippi Immigrants Rights Alliance, one of the most active Dignity Campaign members, has a political strategy that calls for bringing together African Americans, immigrants and unions. All have an interest in opposing free trade agreements because they eliminate jobs in the U.S, while displacing communities in Mexico.

Over the last decade a loose network of groups has grown that generally opposed most CIR bills, and that also organized much of the grassroots opposition to increased enforcement and raids in immigrant communities. Outside the Washington beltway, community coalitions, labor and immigrant rights groups have advocated a number of alternatives. Some of them are large-scale counters to the entire CIR

framework. Others seek to win legal status for a part of the undocumented population, as a step towards larger change.

One of those proposals is the Dream Act. First introduced in 2003, the bill would allow undocumented students graduating from a U.S. high school to apply for permanent residence if they complete two years of college or serve two years in the U.S. military. Estimates are that it would enable over 800,000 young people to gain legal status, and eventual citizenship. For seven years thousands of young “sin papeles,” or people without papers, have marched, sat-in, written letters and mastered every civil rights tactic to get their bill onto the Washington DC agenda. Their movement has been so vocal that in June 2012 the Obama administration told DHS to stop deporting young people brought to the U.S. by their parents as children if they’re in school, have graduated or are veterans. They would also receive permission to work. But they wouldn’t receive visas, leaving their long-term status and future in the air.

Supporting the Dream Act and other partial protections for the undocumented are many worker centers around the country. This movement is based on organizing contingent workers, mostly undocumented. Some of the centers have anchored the protests against repression in Arizona, or fought to pass laws in California, New York and elsewhere prohibiting police from turning over people to immigration agents. They’ve developed grassroots models for organizing migrants who get jobs on street corners, and these projects have come together in the National Day Labor Organizing Network. The National Domestic Worker Alliance was organized in 2010, in part using the experience of day labor organizing, to win rights for domestic workers, almost all women. It won passage of a bill of rights in New York, and is working on passing it in California.

On the Canadian border, in the far northwest corner of Washington State, Community2Community, a women-led grassroots organization, developed a process for discussing migration similar to that of FIOB, called dignity dialogues. C2C is based in Whatcom County, where 8000 mostly-undocumented farm workers are the workforce in the largest raspberry-growing area in the U.S. C2C’s director, Rosalinda Guillen, is a former farm worker union organizer, who then started setting up co-ops among northwest field laborers.

Immigration raids have become much more frequent in Mexican communities near the Canadian border. In Forks, a tiny town on the Olympic Peninsula, migrant families say they’ve been driven out by a wave of roadblocks and detentions. In an effort to escape one, a local worker fled into the forest and died. Guillen and C2C combined grassroots efforts to defend migrants in this border region with the dialogues. “We have to deal with this fear, and at the same time, try to organize so that we can improve our lives as farm workers,” Guillen explains. In meetings in rural communities north of Seattle, people talked about work and fear, and at the same time debated immigration reform proposals. In over 30 meetings their movement spread to other parts of Washington and Oregon as well.

Guillen explains, “We wanted to just ask ourselves, what kind of changes could we imagine that would really meet our needs? We went section by section, idea by idea. We not only saw the sense in the Dignity Campaign proposals, but we added some of our own. These dialogues became a catalyst for developing leaders in our own communities. They eventually met with Senator Patty Murray and Congress members, to tell them we wanted an alternative to the bills they’d been debating in Washington DC. It helped us decide what we stand for.”

Two of the issues that got the most attention in the dignity dialogues were guest worker programs and the right to not migrate. Guillen says, "Many of us are children or grandchildren of braceros. Like Latinos across the country, we have roots in that experience. Our families tell stories of the abuse we went through. When we hear how people are treated now, the stories sound the same. The guest program proposals coming from DC are just looking for a captive workforce at low wages. What we want is respect and recognition in the communities where we live, as well as the ability to come and go with rights."

As in the discussions at the FIOB meetings in California and Oaxaca, dignity dialogue participants saw opposition to guest worker programs connected to the right to not migrate. "A lot of the families in Whatcom County would rather be home, working their own land," Guillen says. "But they can't because the free trade agreements have made farming so difficult. Coming as a guest worker, or coming without papers, is a means to survive. Now we see these bills in DC that won't do anything about what's displacing people, but they will facilitate the recruitment of a cheap workforce. That won't help farm workers here, and it won't solve their problems as farmers in Mexico either. It's just a corporate free-for-all. Our most important conclusion from the dialogues was that proposals for reform should come from the people they affect. They should deal with the issues that affect us the most, including the militarization of the border and the huge number of undocumented people in detention." C2C members travel to Tacoma once a month to hold a vigil outside the big ICE detention center.

In Mexico and Central America, other organizations and forums have also called for the right to not migrate, and for protecting the rights of migrants at the same time. In 2010 the Forum on Migration and Development met in Cuernavaca, Mexico, and agreed on a two-part program. Saying "No to forced migration," it called for public policy "based on human rights, to confront the causes of migration forced by lack of good jobs, environmental degradation, unequal opportunities, political and social exclusion, and human insecurity." It then said, "Yes to development based on transnational citizenship." Included in this point were financial support for communities of origin, defense of food sovereignty and sustainable agriculture and forestry, and vesting decision-making power in migrant organizations, indigenous people, and organizations in peoples' communities of origin.

The forum proposed an alliance between migrants, civil society organizations, groups fighting for sexual equality and indigenous and migrant rights, and human rights groups generally. Participants included FIOB, the National Alliance of Latin American and Caribbean Communities (NALACC) and other U.S. immigrant organizations, and groups in Mexico, Guatemala and Honduras.

Oscar Azmitia, representing the Latin American Association of Development Organizations, and rector of La Salle University in Costa Rica, summarized the agreements reached at the forum in five points: stop treating migration as a national security issue, and instead as a social one; recognize the right to not migrate through building a just society, including policies to eradicate poverty; demand that countries respect international treaties and their own laws; create local credit alternatives, like micro banks, in communities of origin; change public perception of migration and migrants, giving them a chance to put forward their own programs; and develop research and studies of labor, legal and economic rights.

Rodolfo Garcia Zamora summarizes the declaration from the Latin American Migrant Communities Summit, held in Morelia, Michoacan in 2007. It declared, he says, “that in essence migrants should stop being the object of study, and become instead transnational social actors, promoting new forms of civic participation, and designing public policies both in their countries of origin and their destinations.” Proposals made by Garcia Zamora and Oscar Chacon, representing NALACC, suggested that every country should have a long term policy for development and migration, that the organizations of migrants and their communities of origin should be strengthened and given more resources, and that they should develop alliances with other parts of civil society.

A third declaration, by a meeting in Tapachula, Chiapas in 2008, made a similar call to link the rights of migrants with the right to not migrate. Included among its ten demands were respect for the dignity and human rights of migrant workers, punishment for those committing violence or acts of racism against them, and a call that the U.S. sign and ratify international agreements on the rights of migrants. The signers included the independent Mexican labor union, the Authentic Labor Front (FAT), Global Workers Justice, FIOB, and several religious human rights organizations.

Chacon believes that the right to not migrate is emerging from indigenous culture in Latin America, as part of the growing assertiveness of indigenous communities. “These communities don’t believe in borders, and have a different concept of sovereignty,” he says. “How you belong to a community doesn’t depend on the place you live, but on your relations with other people.” Chacon sees similar ideas emerging from the growth of indigenous political movements in countries like Ecuador, and believes they’re connected to the rise of left-leaning governments and political movements throughout Latin America. “Going back 20 years, those governments gave up any notion of national development policy,” he explains. “Now the economies of countries like Mexico and El Salvador are dependent on remittances and drugs. When you talk about the right to not migrate, you’re talking about a drastic change in direction and a completely different alternative.”

The Right to Not Migrate is a Social Movement

The right to not migrate, then, is not an idea or demand that exists separately from the debates over the direction of economic policy – who it should benefit, and who has the right to decide on it. For indigenous communities in Oaxaca, or for the farmers in the Perote Valley, gaining the kind of support that will allow people to stay on their land requires political change. Economic development based on human needs requires changing the priorities that govern how the resources of Oaxaca or Veracruz, or of Mexico as a country, are used. So long as those resources go to debt payments and subsidies to corporate investors, they won’t be available for community development on any significant scale.

Today, countries like Mexico, sending migrants to the U.S., Canada and the developed world, depend on remittances to finance social services and keep the lid on social discontent over poverty and joblessness. Meanwhile government resources are used to make huge debt payments. This creates a common interest between conservative governments in migrant-sending countries and the corporations using displaced labor. Both have an interest in regulating the system that supplies that labor.

Increasingly, the mechanisms for regulating the flow of people are contract labor programs – whether called "guest worker" or "temporary worker" programs in the U.S., or "managed migration" in Canada or the EU.

As communities assert their right to not migrate, they are challenging the basic way this international system functions. The reason FIOB and C2C challenge guest worker programs is not just because they abuse migrants or undermine the wages and jobs of host country residents. It's because they are challenging the way the economic system is geared to produce displaced people and make migration a matter of survival.

This is the reason the right to NOT migrate is integrally connected to the right TO migrate and the rights of migrants themselves. Migration should be a voluntary process, in which people can decide for themselves if and when to move, and under what circumstances. It is a profoundly democratic demand that asserts that the ability to make individual decisions over where to live is meaningless unless people also have the ability to decide how the resources of their communities and countries are used. As Rivera Salgado says, "The right to not migrate is not meaningful if it is not also the right to go to school, the right to make a living from farming, or the right to healthcare and decent housing." People in communities of origin, therefore, not banks and corporations, should control the economic development choices that either make it possible for people to stay, or that force them leave in order to live.

The same organizations asserting the right to not migrate also apply these democratic principles to migration itself, and to the rights of migrants. C2C, for instance, calls for balancing the needs of migrants with those of farm workers in the communities in which both work together. Both residents and newcomers have an interest in ensuring that everyone enjoys rights and security. To ensure they aren't pitted against each other, both need jobs. Both need the right to organize and raise wages. That makes the immigration status of migrants a critical issue. Guest worker status denies people rights, makes it harder for them to organize, and keeps them in isolation from the other working people in the communities in which they live. Permanent residence visas give people choices. A green card allows a migrant to decide for herself whether or not to work, or where to live. Getting fired, as painful as that is, doesn't mean being deported.

If the family preference system is supplied with enough visas to eliminate the decades-long backlog in applications, many migrants can use it. For those who have no relatives or community connections in the U.S., a system for applying for green cards with a realistic hope of getting one would be a far preferable alternative to recruitment as an H-2A guest worker. The purpose of migration is not to supply to labor needs of employers, but to fulfill the human needs of people. While work is a human need, so is the need for family and community. Vulnerability is only increased by the social exclusion and second-class status imposed by guest worker programs. De-linking immigration status and employment is a necessary step to achieving equal rights for migrant workers. Healthy immigrant communities need employed workers, but they also need students, old and young people, caregivers, artists, the disabled, and those who don't have traditional jobs.

Employers who want workers can offer higher wages and better conditions to make their jobs more attractive. They can negotiate with unions, giving workers some job security and expectation of fair treatment. The Coalition of Immokalee Workers, with its demand that fast food chains pay more for tomatoes so that tomato pickers' wages rise, and the UFW's demand for a "5¢ for fairness" increase in the price of a

basket of strawberries to give those pickers a raise too, both make an important point. The workers who provide field labor get only a tiny percentage of the supermarket or restaurant price for the fruits and vegetables they pick. Their wages could double, and the impact on the final consumer price would be negligible. The same logic applies to the women who sew clothes, the framers who put up the walls in homes, or the janitors who clean office buildings. Employers do not need indentured low-wage labor programs to survive. Their cost is brutal – to migrant workers themselves, to the communities around them, and to the communities from which they come.

The right to not migrate is therefore not just a demand, but also a social movement. People have to be able to organize to win the political power to implement it. When the miners in Cananea have an enforceable right to a union, they can ensure their jobs are secure and their wages are capable of sustaining their families. When they lose that right, they lose their very ability to remain in Mexico. In Oaxaca, the alliance between FIOB, the teachers union and other indigenous social movements made it possible to achieve partial political power – enough to begin reordering the state's priorities to make the right to not migrate real. But it is not yet a complete change.

The right to not migrate is a movement that crosses borders. The solidarity of communities and organizations in the U.S. has a big impact on the ability of people to achieve it in Mexico. Solidarity from the United Steel Workers has helped to keep the miners' union alive in Cananea. The FIOB chapters in California helped convince voters in Oaxaca to seek an alternative to the expulsion and remittance policies of the former PRI governors. The integration of the economies of the U.S., Canada and Mexico, and the enormous migration of Mexicans to the U.S. and Canada, have created new possibilities for building social movements that span borders. They make possible new tactics and strategies that are built on the growing closeness of the U.S., Canadian and Mexican people.

Migrants are human beings first, and their desire for community is as strong as the need to labor. As the old shop floor saying goes, "We work to live; we don't live to work." The use of neoliberal reforms and economic treaties to displace communities, to produce a global army of available and vulnerable workers, has a brutal impact on people. Rather than reduce migrants to a factor of production, or a commodity to be exported and imported, migration policy must acknowledge migrants as human beings and address their dignity and human rights.

Migration policy, which includes both the right to not migrate and political and social rights for migrants, is an integral part of a broad agenda for change both in sending and receiving countries. The needs of people in each are really not so different. They include jobs, better wages and housing, a national healthcare system, and the right to organize without fear of retaliation and repression. To end job competition in the U.S., workers need the four million jobs promised by the Obama administration, paid for by an economy reordered away from military spending. In Mexico, people need a national development policy instead of a policy of expulsion and remittances.

The global economy has turned insecurity into a virtue, praised as necessary to increase flexibility and competitiveness. But working communities need a system that produces security, not insecurity. In evaluating proposals for migration reform, the watchwords should be security, equality, organization and community. Immigration policy should make movement possible, instead of seeing everywhere the threat of terrorism. Freedom of movement is a human right. But selling workers to employers

should not be the price for gaining it. Nor should migration be the only possibility for survival and a decent future.