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## **The politics of cross-border engagement: Mexican emigrants and the Mexican state**

### **Abstract**

Reacting to migrants' many, ongoing involvements with their home communities, sending states have increasingly adopted policies designed to resolve the problems of citizens living abroad and to respond to expatriates' search for engagement, doing so in ways that best meet home state leaders' goals. This paper seeks to understand the factors shaping this interaction between sending states and emigrants abroad by studying two contrasting aspects of the Mexican experience – expatriate voting, a relatively new development, and provision of the *matrícula consular*, a long-standing component of traditional consular services, though one that has recently been transformed. Focusing on the complex set of interactions linking migrants, sending states, and receiving states, the paper identifies the key differences and similarities between these two policies. Both policies suffered from a capacity deficit inherent in sending state efforts to connect with nationals living in a territory that the home country cannot control; both also generated conflict over membership and rights. Nonetheless, Mexico's efforts to resolve the immigrants' identification problems in the receiving society proved useful to millions; by contrast, a tiny proportion of emigrants took advantage of the first opportunity to vote from abroad. These diverging experiences demonstrate that sending states can exercise influence when intervening on the receiving society side, where the embeddedness of the immigrant population provides a source of leverage. By contrast, the search to re-engage the emigrants back home encounters greater difficulties and yields poorer results, as the emigrants' extra-territorial status impedes the effort to sustain the connection to the people and places left behind. In the end, the paper shows that extension to the territory

of another state yields far more constraints than those found on home soil as well as unpredictable reactions from receiving states and their peoples, not to speak of nationals who no longer perceive the migrants as full members of the society they left.

## **The politics of cross-border engagement: Mexican emigrants and the Mexican state**

Far less common than international trade, population movements across state boundaries challenge the isomorphism of states, societies and people, often taken for granted by popular wisdom and social science alike. Though international migration is therefore an inherently political phenomenon, the political sociology of migration remains an incompletely developed subfield. Scholarship has mainly focused on receiving societies, attending to the related, but distinctive questions of the *politics of immigration* and *immigrant politics*. The *politics of immigration* concerns policies affecting both passage across boundaries – whether the external border around the territory or the internal boundary of citizenship – and the rights and entitlements associated with *alien* status on the territory of another people. *Immigrant politics*, by contrast, concerns the means and mechanisms by which *aliens* engage in political activity and possibly acquire citizenship, *foreigners* learn the rules of a new national political situation, and foreign-born, naturalized *citizens* gain political incorporation and acceptance.

A mirror, still emerging, political sociology asks what happens when states follow “their” emigrants, some of whom try to keep up the connection to the body politic left behind. The better developed scholarship concerns *emigrant politics*: *emigrants’* efforts to engage with homeland polities, seeking to create new states, overthrow regimes, lobby host governments on behalf of home states, participate in home state elections, or change home state electoral and citizenship laws so as to allow for expatriate voting and dual

citizenship. More recently initiated is research on the *politics of emigration*: sending state policies oriented toward the expatriates, seeking either to resolve the problems of *citizens living abroad*, where they suffer from the liabilities of *alien* status, or reconnecting the *emigrants* back to the place from which they came.

This paper builds on that scholarship, seeking to understand the factors shaping the interaction between states and emigrants abroad. The vehicle is a comparative case study of Mexico's large-scale effort to provide its emigrants with consular identification cards (the *matrícula consular*), on the one hand, and its experiment with expatriate voting in the 2006 Presidential election, on the other. Having long approached its emigrants with a "policy of no policy," Mexico has adopted a very different course over the past two decades (Délano 2009), involving significant investment, focused involvement with migrants at both rank and file and elite levels, and engagement with a broad range of U.S. political actors. This new direction has made Mexico a crucial actor in the world of sending states, disseminating and producing relevant information and linking concerned policy makers across countries. As interest in "diaspora engagement" has spread to international organizations and the development agencies and foreign ministries of developed states Mexico is increasingly profiled as an example for other emigration countries to follow.<sup>1</sup>

If Mexico provides a critical case, the two policies examined in this paper are well-suited for studying the range of policies linking sending states with emigrants abroad. Both are common worldwide: electoral systems increasingly allow for expatriate voting; consular protection is a long-standing aspect of states' engagement with their non-resident citizens, albeit one of increasing intensity and importance. Both policies share a

fundamental similarity in kind, as each is undertaken by one state in the territory of another. On the other hand, the two policies reflect the underlying split in the nature of the politics of emigration, as sending states respond both to *immigrants'* problems in the countries of residence *and* to *emigrants'* membership concerns in the state of origin. Consequently, as this paper will show, each policy involved a different cross-border relational nexus, triggering the involvement of a distinctive set of actors, whose engagement followed an equally distinctive sequence.

The pages that follow first review and assess the scholarship on immigrant political transnationalism, the most influential approach to the study of emigrants and emigration states, before developing a new analytic framework that places each policy in a broader context, identifies the relevant actors and specifies the underlying triggers of political action. Analysis of the cases follows. While expatriate voting has been the subject of extended and growing scholarly attention, the *matrícula* has received far less scholarly attention (Varsanyi 2007; Délano 2009; Bakker 2011). The sections that follow draw on a broad range of sources, both in Spanish and English. Building on the existing scholarly literature, the section on the expatriate vote draws on material from official Mexican sources, the Mexican and Mexican American press, and writings by vote partisans, both favorable and opposed. The section on the *matrícula consular* is principally based on government, advocacy organization and corporate documents, as well as reports found in the Mexican, Mexican American, and U.S. press.

### **The transnational approach: contributions and shortcomings**

While taking a different path, this paper builds on the intellectual legacy of the scholarship on transnationalism. This is a vast and sprawling literature, deriving from

various sources, internally fractured, and yielding no single, coherent approach to the conditions that structure the interactions between emigrants and the states and peoples left behind. Nonetheless, a review of key studies highlights a set of recurring themes and arguments.

Emerging out of U.S. debates within migration studies, the transnational perspective began by contending that migrants experience *simultaneous* incorporation in both sending and receiving states, both “here” and “there (Glick Schiller et. al. 1992; Basch et al. 1994).” Consequently, rather than the uprooted, today’s migrants are instead the connected. While agreeing that “immigrants do still assimilate to their host nations (Smith 2003: 327)” scholars of transnationalism also contend that migrants continue to maintain, perhaps even deepen home country ties. Facilitating that capacity to “live lives across borders” is a more accommodating reception context, enhanced personhood rights, and new permutations in citizenship laws – most notably, the greater acceptance of dual citizenship – all of which help migrants institutionalize their goals of a keeping a foot in both worlds.

Scholars of transnationalism have highlighted the myriad of connections – cultural, social, economic – linking migrants, stay-at-homes, and sending communities. Their analysis of *political* transnationalism has largely focused on the dyadic interactions between emigrants and sending states, described by Itzigsohn as involving “new forms of intervention by the states of origin in the politics of the country of reception and systematic forms of intervention by immigrants in the country of origin (2000: 1127).”

One widely influential formulation recasts the contrasting activities of emigrants as “transnationalism from below” and that of sending states as “transnationalism from



above (Smith and Guarnizo 1998)". From below, migrant activists seek to engage with, and possibly transform home country political communities, whether trying to influence homeland policies ("homeland politics"), institutionalize their own standing in the homeland polity even while residing abroad ("emigrant politics"), or simply alter conditions in the specific communities left behind ("translocal politics"). From above, states pursue myriad goals, starting with an effort to gain access to the resources made available by the migrants' presence in a rich land, as exemplified by the many programs aimed at stimulating migrant contributions to their home communities via "collective remittances". No less important are activities undertaken to both retain and exercise influence, whether involving cultural programs, monitoring and policing, or providing forms of recognition that migrant leaders might appreciate.

However, both the source of migrant influence *and* the triggers to sending state strategies derive, not from the "transnational social field" connecting migrants and networks back home, but rather from the political boundaries cutting *across* that social field. Residence in a *foreign* country lets migrants escape the coercive power of the *home* state; there they find degrees of freedom, economic resources, and political options not available on home grounds; in turn, the emigrants' ability to reap economic and political benefits from residence in a rich country compels sending states to find ways of shaping migrant political, cross-border activities in ways compatible with their own preferences and priorities (Ostergaard-Nielsen 2003). Thus, rather than "transnational communities suspended between two countries (Portes and Rumbaut: 131)", immigrant populations comprise "contested communities (Adamson 2004)", for whose resources and loyalties

sending states compete with migrant, non-state actors, themselves often divided over both means and ends.

These tensions fit awkwardly with the notion that “simultaneity characterizes the political realm, not only through domains of action but also through political membership and its attendant rights and responsibilities (Levitt and Jaworsky 2007: 136). That view is regularly belied by the actions of sending states and stay-at-homes alike, reflecting the relational nature of national identity, defined in contrast to alien *and* external states and peoples. The migrants’ *political* claim, echoed by the scholars, presents them as identical to the people left behind, but for the fact of living in another land. By contrast, the stay-at-homes detect people transformed by their foreign experience, skeptical that people living on alien soil might really belong. Likewise, unlike the scholars who maintain that assimilation and transnationalism are compatible, sending states fear the lure of the reception society (Ragazzi 2009), which is why they work so hard at securing continued migrant engagement with the homeland.

Moreover, the scholarship on political transnationalism assumes what cannot be taken for granted: incorporation in destination states. Caught up in the debate over assimilation, scholars often assert that “immigrants do not forsake political incorporation into [the receiving] society when they engage in transnational political practices (Guarnizo 2001: 214)” Not noticed is a salient aspect of immigrant reality: “*non-incorporation* (Hochschild and Mollenkopf, 2009),” an accurate label for that two-thirds of foreign-born U.S. residents lacking U.S. citizenship. Consequently, concepts like “transnational citizenship (Smith and Bakker)” or “trans-border citizen (Fouron and Glick Schiller, 2001)” seem inappropriate for people who are aliens in the place where they

reside, enjoying a good deal less than the full complement of rights and always vulnerable to the threat of deportation, which in turn reduces the willingness to exercise even those rights to which the migrants might be entitled (Bosniak, 2006).

Moreover the identity and status dimensions of citizenship impinge on the capacity to engage in cross-border politics. Hence, the tug-of-war between sending states and *emigrants*, to which the transnationalist scholarship has attended, goes hand in hand with a contest of a different kind, neglected by that same literature, in which receiving and sending states compete for *immigrant* loyalty (Brand 2006). That competition leaves emigrants' aspirations of belonging to both home- *and* hostlands at variance with the preference of receiving society publics. Whereas the latter are possibly willing to tolerate foreign ways, they are less accepting of affiliation to foreign places, in this respect mirroring the sentiments of home society publics, who are not always ready to accept the influence that nationals *abroad* exert on nationals still in the *homeland* (Gonzalez 1998: 558). Managing these competing claims is a persistent immigrant dilemma, as indicated by the experience of the relatively undemanding environment of the United States. As demonstrated by Huntington's tirade against the burgeoning of "transnational amperсанд identity (2004: 205)" among immigrants to the United States, expression of home country loyalties gives those thinking that the national community is under threat additional reason to worry and insist that boundaries get rolled back.

### **The politics of emigration policy**

Thus, the transnational perspective has rightly directed attention to the cross-border dimension of migration and its ubiquity – matters ignored by traditional preoccupations with immigrant assimilation, where everything of importance transpires

*within* the boundaries of destination states. But in focusing on flows, it has also diminished the importance of place, eliding the ways in which territory affects identity, resources, and power.

This paper seeks to make good on that shortcoming by developing a framework that shows how the processes that extend political ties across states collide with those that cut linkages at the water's edge. The point of departure involves the duality at the heart of the migration phenomenon: immigrants are also emigrants, aliens are also citizens, foreigners are also nationals, non-members are also members. At once *of* the sending state, but not *in* it, migrants are members whose everyday cross-border connections and ongoing needs pull them back home while also drawing the sending state across the border; residing abroad, however, the migrants' claims to belonging are undermined by their presence on foreign soil. At once *in* the receiving state but not *of* it, migrants can access economic and political resources available in their new home, using them to gain leverage in the home left behind; yet as aliens, their rights are circumscribed and as outsiders their acceptance is uncertain, vulnerabilities that are inherently unstable, susceptible both to alleviation (via rights extension) or exacerbation (via rights contraction). Both conditions activate interventions by home states seeking to influence and protect nationals abroad and also to respond to emigrants' demands for greater engagement from abroad. While following "their" people to destination countries, sending state extension to another state's territory keeps options limited: sending states can exercise neither despotic nor infrastructural power, lacking both the ability to compel the behavior of nationals living abroad and the capacity reproduce the home state infrastructure in the foreign context. Although the capacity to influence both emigrants

and receiving state actors is often in reach, that influence is always at risk, since even limited sending state engagements can inflame the passions of receiving state nationals, anxious about foreigners in their midst.

*Protecting citizens abroad:* Emigrants reside abroad as both *aliens* and as *foreigners*. As *foreigners*, the emigrants do not know the ropes: lacking the full set of tools for navigating their new environment, they are subject to harm. As *aliens* the emigrants lack the full rights and privileges of receiving state citizenship; standing outside the polity, a deficiency that knowing the ropes cannot offset, they are potentially defenseless.

Since citizenship inherently ties persons to states, international migration simultaneously weakens sending states' hold on their citizens and extends the reach of those states beyond their frontiers. That extension takes institutional form via embassies and consulates, recognized as outposts of extraterritorial sovereignty where states can interact with nationals abroad as if they had never left home. As almost all states have citizens living in foreign states, maintaining access is a common interest, reinforcing the rights accorded to consular activities and making obligations symmetrical, such that receiving states are required to allow sending states to fulfill their duties to citizens abroad. International law protects those rights: signed by approximately 165 nations, including the United States and Mexico, the 1963 Vienna Convention on Consular Relations codified practices governed by custom and bilateral agreement between states, explicitly safeguarding activities related to "protecting...assisting, and helping nationals (United Nations 1963: 4)".

While legal protection of citizens abroad stands at the heart of consular functions, consulates and embassies provide a platform for other activities. Though no longer exercising a monopoly of force over emigrants living on the territory of another state, sending states retain a documentary monopoly over those emigrants with *alien* status in the destination state as they can only obtain official documents from the state of origin. Need for various documents -- passports, identification cards, birth and death certificates, property titles – as well as help in other matters, such as repatriation of the dead for burial at home, produce regular visits to the consulate. As immigrants are so consistently confronted with demands to document their identity, provision of consular identity documents is common, a practice followed by a variety of countries, including Argentina, Colombia, El Salvador, Guatemala, Honduras, India, Korea, Morocco, Pakistan, Peru, and Turkey, in addition to Mexico (Gamlen 2008).

Though the documentary monopoly has long given sending states a hook to connect with emigrants, qualitative evidence, from government reports, policy institutes, and the very rare academic study, indicates that demand for consular services is rising worldwide (Melissen and Fernandez 2011; White 2007). Hard data are more difficult to find, but confirmation can be found in the one available source – a survey of return migrants to Algeria, Tunisia, and Morocco – which indicates that that two-thirds of all respondents had contacts with consular officials while living abroad, almost universally for reasons related to documentary needs.<sup>2</sup>

Having lost their capacity to cage their populations, sending states can nonetheless use these outposts of extraterritoriality to embrace citizens abroad (Torpey 2000) who, though geographically beyond the state, are not completely beyond its hold.

The consular infrastructure permits closer involvements, whether designed to keep emigrants in line via monitoring or policing or reinforce their sense of national belonging, via cultural or educational services. In some cases sending states mandate that emigrants register with consular office; though in reality not a demand but a request, that request does not always go unheeded, enabling sending state officials to better track, monitor, and manipulate their citizens abroad. In other cases, it is the receiving state that furnishes clients for consular services, as in the case of consular identity documents, allowing aliens to prove their identity to destination authorities insisting on identity documents but unwilling to provide them to non-citizens. Thus, as argued by Carlos Gonzalez Gutierrez, an architect of Mexico's contemporary effort to engage with Mexican emigrants in the United States, the consular service can act as "the fundamental glue of the efforts of rapprochement...the vector where the communities of migrants...and the offer of cooperation converge (2006:23)".

As *aliens* in the state where they reside, *citizens abroad* suffer from vulnerabilities that add moral and political force to the obligations involved in serving citizens abroad. Sending states may lack authority over nationals who have moved on to foreign territories, but they are still often perceived as responsible for the fate of citizens, no matter where they reside. The inability to hold on to their own undermines sending state legitimacy; it also "highlights the source country's weakness vis-à-vis the destination country (Fitzgerald 2009: 23)." As movement abroad exposes migrants both to the arbitrary exercise of receiving state power and to depredation from the profit-seeking migration industry, emigration repeatedly puts the sending state at risk of highly emotive,

often mediatized scandals signaling not just limited capacity, but utter incompetence (Brand 2006).

Circumstances are likely to produce such a message. Receiving state violence directed at migrants is one persistent source of threat; the vulnerability associated with emigrants' status as *foreigners* not knowing the ropes and therefore susceptible to maltreatment or exploitation is yet another. Further aggravating the problems of emigrant protection are the *immigration* policies pursued by *receiving states*, as migrants' *receiving state rights* are unstable and uncertain. Some analysts have hailed the advent of "post-national citizenship," claiming that foreign resident aliens share the same core rights enjoyed by citizens (Soysal 1994; Jacobson 1997). However, any "post-national citizenship" leaves much of the foreign-born population unprotected, since *immigration* restriction inherently creates the category of the unauthorized migrant and control policies yield the arrival of migrants with highly differentiated statuses lying in between the most and the least entitled. Toleration was long the *de facto* policy in the rich, receiving state democracies; since the 1990s, greater efforts at border control have increasingly been linked to intensified efforts at internal control, reducing rights and increasing risks of deportation. Legal residents are better protected; however, even their rights can be rolled back, as indicated by recent trends in the United States. Lacking the franchise, legal residents cannot control their destinies as do citizens, one reason why many analysts have concluded that "post-nationalism citizenship" amounts to much less than its early proponents claimed (Hansen 2008). As for receiving state citizens, many, sometimes, a majority, favor diminished immigration *and* restricted immigrant rights,



often viewing the immigrants as aliens whose ongoing ties to foreign people and places provide even further ground for suspicion (Citrin and Sides 2008).

For home countries, attacks on *immigrants* spur intensified efforts to protect *citizens abroad*. Sending states can respond with a variety of tools, even though operating on foreign soil and unable to directly mobilize an electorate. The peculiar politics of *immigration* and the *domestic* fractures it yields provide the opportunity: since *immigrants* are often wanted, even when not welcomed, sending states can connect with mainstream, host society allies on both left *and* right for whom the expansion or preservation of *immigrant* rights is a matter of either principled commitment or material interest. The pluralistic nature of the democratic, receiving state can create further opportunities for intervention. Since incoherence is the common condition of *immigration* policy, sending state overtures can elicit a positive response from some, if not all actors, inside the receiving state. Differences across governmental units could have similar effects, as local, regional, or state officials in areas of high immigrant density often see virtue in policies of immigrant *integration*, unlike national officials who are often more oriented toward immigration control (Kemp and Rajman 2004; Wells 2004; Friedmann and Lehrer 1997). Where the polity is also fragmented, as in the United States, sending states can exploit these points of cross-level divergence, linking up with local or state officials, who possess the authority, and sometimes the motivation, to expand many migrant rights, albeit only those that fall short of national citizenship (Varsanyi, 2007). Similarly, the more “porous” the national state, the easier it is penetrated societal interests, making it open to foreign actors as well, who are probably most effective when partnering with domestic allies, but can also make the case on their

own. Thus, in extending their reach onto foreign soil, while partnering with *receiving society* interests, home states can push back at efforts to diminish *aliens' citizenship rights*, expanding the liminal space between the boundaries of territory and citizenship, embedding the *immigrants* in the *foreign* state where they have settled.

*Emigrant membership*: While emigrants retain home society *citizenship*, a status protected by international law and of which they cannot be deprived, involvement in homeland matters rests on their claim to shared *membership* in the political community left behind. For the migrants, the relevant political community may take several forms: many are simply concerned with the “little community” (whether understood as *la patria chica* or the *heimat*) from which they come; others, imbued with a more powerful national identity, focus on the homeland (alternatively perceived as mother- or fatherland). Whether motivated by localism or nationalism, the migrants articulate a new, de-territorialized view of membership, extending the boundaries of the political community to encompass those living beyond the home state.

In expounding this perspective, the migrants insist that they are one and the same as the people left behind. Access to host country resources and an ability to deploy them on home terrain yields influence, whether via locally-oriented philanthropy, contributions to political parties or political messages sent to the recipients of remittances. But indirect influence is often not enough: migrants want rights, formal membership, and opportunities to participate, even while remaining abroad. The starting point is the ability to retain home country nationality after obtaining host country citizenship; as the franchise has great symbolic importance, “providing an expression of belonging, an endorsement of the condition of active membership in the collectivity to which [the

migrants] belong (Calderon Chelius 2003a: 31)”, the next step typically entails the right to vote from abroad.

However, migrants’ claims to *membership* in the national community in the place where they no longer live are often contested. For some, exit may be seen not as departure, but rather desertion and hence disloyalty, as evidenced by the historically negative portrayal of emigrants in Mexican popular or political culture or the terms applied to Israeli emigrants, who, unlike the immigrants to Israel, went down, not up, let alone the characterization of the Cuban exiles as *gusanos* (worms) offered by the Castro regime. Further vulnerability lies in the migrants’ presence on the *foreign* grounds where they actually reside. The claim to identity with the stay-at-homes may ring true to some, but definitely not all, as those with in-person contact can readily detect the ways in which the migrants have become *unlike* those who have stayed behind.

And as the migrants’ influence stems from the fact that they are beyond home state control, some home country nationals are apt to view them as an *alien* force, and possibly even a Trojan horse acting in the interests of the *foreign* state on whose territory they reside. Last, since membership claims, when translated into policy, can have real effects, whether shifting influence to a hard-to-control group or requiring expenditures for nationals living, not just on foreign, but on high cost grounds, political actors have tangible reasons for contending that nationals living abroad don’t *fully* belong.

Hence, demands for expatriate voting yield homeland political dilemmas. As a right, expatriate voting is one that homeland political leaders usually hesitate to concede: it increases electoral uncertainty; it can tip the balance of power in a close domestic race, thus increasing the influence of those who have already voted with their feet; and, as

noted, it can hinder both immigrant integration and foreign relations between home and host countries (Ostergaard-Nielsen 2003b; Mascitelli and Battison 2009), matters to which home governments may be more attentive than emigrants intent on membership expansion. Outcomes reflect this tug-of-war. On the one hand, migrants' preferences register loudly: whereas receiving societies continue to restrict the voting rights of *resident* aliens, *non-resident* citizens increasingly enjoy the right to vote from abroad, with over 100 countries now permitting external voting in some form (Ellis and Wall 2007). On the other hand, expatriate voting tends to be circumscribed as narrowly as the situation allows (Fox 2005).

In sum, cross-border population movements from poorer to richer, democratic societies simultaneously give the migrants resources not possessed before, but also leave them vulnerable to losing many or all of the benefits gained by displacement to foreign soil. Both resources and vulnerabilities lead sending states to engage with emigrants abroad. However, extension to the territory of another state yields far more constraints than those found on home soil as well as unpredictable reactions from receiving states and their peoples, not to speak of nationals who no longer perceive the migrants as full members of the society they left. Just how those interactions unfolded in the case of the intersocietal relations produced by migration from Mexico to the United States is the question to which we will now attend.

### **Consular identification cards**

While document provision had long been a central consular activity, a 1987 publication by the Ministry of Foreign Relation noted that the ever-growing presence of Mexicans in the United States had yielded increasing demands for documents of all sorts

– whether relating to those needed for activities undertaken in Mexico or for regularizing status in the United States (Flores Rivera 1987). Among the documents to be obtained from the consul were identification cards, provided to Mexican nationals living abroad since the late 19<sup>th</sup> century and of particular use to migrants wanting to return to Mexico but lacking a passport. Over time, the card came to include identity characteristics to which were later added a photograph (Pradillo 2002). As of 2000, roughly a million of the approximately 10 million Mexican immigrants living in the United States possessed such a card, known as the *matrícula consular*.

In the aftermath of September 11, 2001, this activity took on new importance, as heightened security preoccupations confronted unauthorized immigrants with new demands for identity documents. The attack on the twin towers also dashed until-then promising plans for a U.S.-Mexico deal on immigration. With “amnesty founder[ing],” Mexican leaders began looking for ways to “integrate workers into U.S. locales (Porter 2002)”. As recounted by Jorge Castañeda, then the Mexican foreign minister charged with spearheading negotiations with the U.S. over migration:

....Mexico’s government changed tactics: it began to try to obtain rights for Mexicans via other mechanisms, certainly less satisfactory than a migration accord, but significant and with direct effects on the daily life of millions of compatriots in the United States. The heart of this tactical turn consisted, of course, in the expedition of the new *matrícula* and political negotiations with banks and local authorities in the United States by our consuls in order to achieve the recognition of this *matrícula* as an identity document (Castañeda 2003).

Immigrants willing to pay \$27 to obtain a *matrícula* crowded consulates around the country, with applications surging by late fall 2001 (Bazeley 2001). Shortly thereafter, Mexico introduced a new card, the *matrícula consular de alta seguridad*, with greatly enhanced security features. Almost 1.2 million consular cards were issued during 2002, more than twice the number obtained two years before (Secretaria de Relaciones Exteriores, 2008: 239).

Mexico's strategy of "creeping legalization," as Casteñeda described it (2007:146), built on its earlier decision to decentralize its diplomatic mission in the U.S. and "deliberately use [its consular offices] as channels to promote its interests (Gonzalez Gutierrez 1997: 50)". While that strategy entailed closer engagement with migrants, it had two other, crucial prongs: to exploit openings in the fragmented U.S. political structure; and to develop connections to Mexican Americans who could be converted into ethnic lobbyists. Having established ties to local stakeholders, whether in or outside of government, and enjoying substantially augmented resources, the consulates quickly implemented the new tactic. As Casteñeda explains (2007: 146), "every Mexican consul was instructed to negotiate with local banks, city officials, police departments, lawyers, etc. to persuade them to accept or 'recognize' the ID as an official document". Those negotiations quickly bore fruit, an outcome facilitated by support from immigrant advocacy and Mexican American organizations.

Practical considerations linked to order maintenance – for example, identifying crime victims or issuing a citation for a traffic violation, rather than holding an unidentifiable person overnight in jail – led many police departments to endorse the *matricula* as a valid form of identification (O'Neil 2003). Proactive consuls persuaded

the financial sector, already interested in the rapidly expanding immigrant market, that the *matrícula* could prove advantageous. In November 2001, Wells Fargo began accepting the consular card as identification for new accounts, a policy announced at Mexico's Los Angeles consulate and one that Mexico's then consul in Los Angeles described as her greatest achievement (Dillon 2003; Arredondo 2003). Citibank and the Bank of America soon followed suit (Gori, 2002; Esterl 2003). By fall 2003 customers using the *matrícula* had opened almost a quarter of a million accounts at Wells Fargo (Wells Fargo 2003). Following a 2004 closed-door meeting between top U.S. bank leaders and then President Vicente Fox, the banks gained permission to market their products throughout all of Mexico's consulates in the United States (Breitkopf, 2004). Later, Bank of America began covering part of the costs of Mexico's mobile consulates, in return for getting a venue for "bank employees to pitch its SafeSend remittance service and other banking products (Lindemeyer, 2005)." Numerous local and state governments also moved toward acceptance. By 2005, the *matrícula* had been granted valid identification by 377 cities, 163 counties, and 33 states, as well as 178 financial institutions and 1,180 police departments (Bruno and Storrs 2005).

Proponents of reduced immigration, aware of and infuriated by, Mexico's consular efforts, quickly pushed back. The Center for Immigration Studies, a restrictionist thinktank in Washington, D.C., lambasted the *matrícula* as an "ID for illegals." Insisting that the *matrícula* surreptitiously "advanced Mexico's immigration agenda (Dinerstein, 2003)" – a claim later accepted by Jorge Castañeda (2007: 149) – the CIS sounded a security trope: despite safeguards, the *matrícula* was insecure, giving "both illegals and local law enforcement a way to ignore [the] troubling reality" of immigrants committing

“criminal acts like crossing our border without permission, engaging in identity theft, and using fake, stolen, or borrowed Social Security numbers (2003:6).” Other players in the restrictionist network quickly took up the theme. Californians for Population Stability insisted that “*matrícula* cards sabotage national security efforts (2003)”; the *National Review* warned of “Mexico’s fake i.d. – and its terrorist implications (Coole, 2004)”; the Federation for American Immigration Reform contended that “acceptance of the consular ID cards is placing critical national security matters in the hands of foreign governments (2003)”. Restriction-oriented lawyers and academics founded a new organization, Friends of Immigration Law Enforcement, alerting state and municipal officials to the *matrícula*’s purported security defects (El Mural 2002) and publishing model letters on its website, urging citizens to write to banks and public institutions to complain that acceptance of the *matrícula* is illegal (Maldef 2003). The *Washington Times*, the right-wing daily with close ties to conservatives on Capital Hill, kept up a steady drumbeat of critical stories and editorials. Efforts to distribute the *matrícula* via the foreign ministry’s mobile consulates periodically provoked controversy, with anti-immigrant groups in Oregon, Colorado, and California picketing in front of buildings where mobile consulates had set up shop (Millman 2006) and a Louisiana mayor forbidding use of a municipal building for use as a Mexican mobile consulate, after the state’s U.S. Senator had called for the immigration service to arrest undocumented immigrants who might visit the consulate in order to obtain a *matrícula* (Dinan 2006).

However, the most important reactions came from Washington, where the Bush administration was divided on whether to accept or reject the card. As with other immigration matters, the *matrícula* drove a wedge through Republican ranks. Then



Senator Richard Lugar, a veteran Republican closer to the political center than most, urged acceptance, on the grounds that “cards that simplify identification of immigrants and facilitate their contact with Americans and our institutions are a benefit to public safety, not a liability (quoted in Swarns 2003)”. With the Republican Senate Campaign Committee, by contrast, paying for a television ad that portrayed *matrícula* cardholders as terrorist threats, Republican social conservatives predictably championed rejection.

With political leaders deadlocked, bureaucrats decided. The General Service Administration began a pilot program to accept the *matrícula* as valid identification for entering federal buildings, but reversed course a month later, after twelve Congressmen protested (Egelko 2003). By contrast, the Transportation Security Administration recognized the card as valid identification for passengers seeking to fly within the United States. The key mover, however, was the Treasury Department, required, by the Patriot Act, to prescribe minimum identification and verification standards for the customers of financial institutions, with particular attention to the identification requirements of foreign nationals. Treasury’s 2002 report found “significant impediments to domestic financial institutions’ ability to identify, much less verify, the identity of foreign nationals (U.S. Department of the Treasury, 2002:1)”. Setting aside the problem of unauthorized immigrants, Treasury noted that “no single, uniform identification documents exists for all foreign nationals (8)” consequently, “any identity verification system for foreign nationals will have to rely, at least to some extent, on foreign documents (9)” Treasury also noted that more restrictive identification requirements might hamper other department initiatives, such as those that encouraged “unbanked” persons to use mainstream financial institutions. Hence, Treasury proposed rules setting minimum

standards but with considerable flexibility, recommending that banks accept “the number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.” In a footnote, it provided a further, crucial detail: “Thus, the proposed regulations do not discourage bank acceptance of the 'matrícula consular' identity card that is being issued by the Mexican government to immigrants (16).”

Controversy followed. Testifying before the House Subcommittee on Immigration, convened by a high-profile, Republican advocate of immigration restriction, the Department of Homeland Security questioned acceptance, contending that cards could be fraudulently acquired and then used as breeder documents to acquire other forms of documentation, such as a driver’s license. Testimony from the FBI’s Office of Intelligence accented the tie-in to potential terrorism (McGraw 2003: 112). By contrast, the State Department provided supportive testimony, highlighting obligations incumbent under international law and noting that “the United States has been aggressive in asserting its rights to help, assist, and protect Americans” under the VCCR. Not only was the US bound to allow foreign consuls to distribute identification nationals to their citizens on U.S (Jacobson 2003b: 174); the State Department itself issues similar cards to U.S. citizens traveling abroad, and therefore worried that “taking action against consular identification cards might foreclose our options to document or assist Americans overseas (Jacobson 2003a: 114).

Treasury’s recommendation, posted in the Federal Registry on July 1, 2003, generated over 34,000 comments (Bruno and Storrs 2005: 4). As described by the *American Banker* the banking industry went “on the offensive (Jackson 2003)” opposing

any move to limit the card's use. Wells Fargo told Treasury that it had opened more than 25,000 *InterCuenta Express* and *Dinero al Instante* accounts for Mexican immigrants looking for a convenient way to send remittances and praised the consular card's security features, which it described as "superior to many [U.S.] state-issued driver's licenses and identification (Esterl 2003)". Ultimately, Treasury decided not to recommend any further changes, much to the satisfaction of both banks and the Mexican government (Porter 2003).

The pragmatic arguments submitted by banking interests in favor of the *matrícula* crystallized the frame that supporters developed. In hearings conducted by a subcommittee of the Republican-controlled House Committee on Finance both right and left sides of the congressional aisles lined up to refocus the debate toward mundane, local-level concerns. Congressman Chris Cannon, a conservative Utah Republican described by the *Washington Post* as Bush's "point man on immigration (Milbank 2001)" flipped the usual security argument on its head, maintaining that "the absence of identification poses the real threat." By bringing immigrants, "legal and otherwise" into the banking system, he noted that:

...consular ID cards can deliver substantial economic benefits to both the holder of the card and to the U.S. economy in general (2003: 8).

Similarly, liberal South Texas Democrat Rubén Hinojosa, author of a bill *requiring* banks to accept the *matrícula*, argued that the consular card would "infuse our banks, credit unions, and ultimately our economy with much-needed cash (Hinojosa 2003: 4)"

Immigrant advocates and ethnic organizations rounded off the case by noting the public safety aspects: the National Council of La Raza maintained that "Mexican consular IDs

are critical to public safety, crime prevention, and investigation,” making “entire communities safer (2003).” Similarly, the Mexican American Legal Defense Fund, arguing that the *matricula* was safer, easier to use, and more secure than a Mexican passport, also contended that “acceptance of the Mexican consular ID has a proven track record of increasing public safety (Muniz 2003)”.

Though Treasury’s decision sealed this first phase of debate, the issue continued to fester, along with the larger immigration dilemma. Republican proponents of restriction went furthest in 2004: the House Appropriations Committee approved language in its fiscal 2005 Treasury Department spending bill that would have prohibited banks from accepting consular cards as identification. Banks successfully fought back, this time, along with the White House, which was then fruitlessly pursuing a larger package of immigration reform (*Congressional Quarterly Weekly* 2004). Later years saw continued but inconclusive skirmishing in both houses of Congress and in state legislatures.

Ultimately, the pattern entailed limited, patchwork, *de facto* acceptance. Although direct uses of the cards lay “in the very narrow band of public and private services for which high-quality identification is required, but proof of legal residency is not (O’Neil 2003)”, they nonetheless produced sustained demand. Since the private sector discovered ways of turning the immigrants’ liminality into a source of profit institutional acceptance also gradually expanded. As of mid- 2008, the Mexican Foreign Ministry reported that more than 7.5 million consular cards had been distributed since 2000, with almost 500,000 distributed during the first half of 2008 alone (Secretaria de Relaciones Exteriores, 2008: 239). On the other hand, more ambitious hopes, entertained

by the Ministry as well as immigrant advocates in the U.S., seemed unlikely to be realized. While a few states had early allowed the *matrícula* to serve as proof of identification when applying for a driver's license, that option was eventually foreclosed. Passage of the REAL ID act, shepherded by proponents of reduced immigration, mandated a set of uniform, nation-wide standards for acquisition of a driver's license; by requiring<sup>3</sup> that applicants present "valid documentary evidence" of lawful presence in the United States (Federal Register, 2008), the regulations insured that the uses of the *matrícula* would remain highly circumscribed.

### **Expatriate voting**

Though interest in expatriate voting dates back to the 1920s, the issue took on new salience in the 1980s, as Mexico's democratization opened up opportunities for migrant activists.<sup>4</sup> The trigger came in 1988, when Cuahtémoc Cárdenas, having split from the ruling *Partido Revolucionario Institucional* and running an insurgent candidacy for President, looked for support in the United States. Migration-related spillovers of the same social crisis that fueled *cardenismo* in Mexico generated a U.S.-based constituency. Consequently, "*Cardenismo* built upon longstanding grievances and alienation, and was able to recover important themes that left-wing political organizers in the U.S. had been proposing for years (Dresser 1993: 96)". In addition to supporters, the U.S. furnished a protected space, where "migrant activists could count on more tolerance, better security, and also with a less-censored press than in their homeland (Martinez Saldaña 2002: 220)". Repeatedly demonstrating in front of consulates in Los Angeles and San Jose and confronting both consular officials and visiting political leaders, the vote activists made full use of the resources created by their extraterritorial location. Consequently, as

described by the Mexican sociologist, Arturo Santamaría Gomez: “In few places in Mexico could one see members of the [opposition party] confront consular officials and government emissaries so openly. At the same time, few Mexican functionaries had ever performed in an environment where neither the press, nor the radio nor the television was supported and where one had to accept the critical and belligerent tone of one’s opponents, without recourse to threats, bribery, corporatist control or other illegitimate means (1994: 166-7).

Since the 1988 election results were so hotly contested, cross-border mobilization continued. Following the *cardenistas*’ success in mobilizing a massive demonstration in Los Angeles, first Cardénas’ *PRD* and then the ruling *PRI* took their competition to the United States, seeking to win migrants’ loyalties, and through the migrants, their kin back home, while also burnishing reputations among Chicano elites and gaining legitimacy in Washington.

As candidate, Cardénas endorsed expatriate voting, giving it a prominence it had not previously enjoyed. More importantly, the growing influence of opposition parties from right and left, ultimately forced the *PRI* to agree to sweeping electoral reforms, eventuating in the creation of the Federal Elections Institute (*Instituto Federal Electoral* – IFE), “an independent entity, entirely autonomous from the federal Executive branch, which in turn lost any capacity to determine the Institute’s composition (Becerra, et al., 1997:34)” Principally designed to increase electoral transparency and reduce the potential for manipulation, the final package approved in 1996 included a provision which “*de facto* opened the possibility of exercising the external vote (Calderon Chelius 2003:

226)” by eliminating the requirement that ballots be cast in the district in which the elector belongs. Implementation, however, was left to the future.

No sooner were expatriate voting rights enshrined by the electoral reforms of 1996 than the issue fell from view. Activists then strove to put it back on the agenda, holding mock elections in U.S. cities; traveling to Mexico to lobby officials and gain media attention; forming an organized pressure group – the Coalition of Mexicans Abroad: Our Vote in 2000; and later holding a series of highly publicized meetings in the United States and Mexico, including encounters with officials of the newly created *IFE* and with Vicente Fox, then governor of the state of Guanajuato, but shortly thereafter, President of Mexico (Martinez Saldana and Pineda 2002). Additional momentum came with *IFE*’s release of a report on the feasibility of expatriate voting: the specialists concluded that it was “technically possible to accomplish the 2000 Presidential election with the participation of Mexican voters in the exterior (*Instituto Federal Electoral* 1998 [2004: 21])” though they also noted that implementation would be difficult and costly and stopped short of endorsing any specific plan (Woldenberg, 2004). Nonetheless, release of the report led the more conservative *Partido Accion Nacional* to join the *PRD* in backing the extension of voting rights. Worried that immigrant voters would flock to the opposition, *Priista* leaders ensured that no change would be made by the 2000 Presidential election.

That contest ended the *PRI*’s decades-long monopoly on power, bringing to office Vicente Fox of the *PAN*, who had campaigned as a champion of migrants’ rights. Fox expanded pre-existing programs of diaspora engagement, leading to closer contact with the U.S.-based partisans of expatriate voting. For the most part, the latter involved a

highly selective group of longtime U.S. residents, hometown association and (Mexican) state federation leaders and entrepreneurs, professionals, journalists, and academics (Hamm 2009). Though each side was interested in co-opting the other, the government's program of diaspora engagement provided the activists with a new, high profile, legitimate platform: in 2004, the Consultative Council of the Institute of Mexicans Abroad endorsed, not only expatriate voting, but also an active effort at credentializing prospective immigrant voters (IME 2004; Hernandez 2005). Unlike the undocumented immigrants who could neither return home freely nor exercise full rights in the United States, the vote activists were not similarly constrained. Benefiting from either legal permanent residence or U.S. citizenship they traveled to Mexico for lobbying and meetings with top government officials to whom they submitted draft legislation, while simultaneously organizing U.S.-side conclaves aimed at mobilizing immigrant supporters (Hamm 2009). As these efforts gained traction in the public realm all the political parties prepared to line up in support. Between 1998 and 2004, the Mexican congress considered almost 20 bills, almost all favoring expatriate voting (McCann, Cornelius, and Leal 2009).

The expatriate voting rights approved in 2005 fell far short of activists' expectations. The legislation allowed Mexicans abroad to vote in Presidential elections only, not state or local contests, as advocates had hoped; it prohibited candidates and parties from campaigning abroad, thus reducing participation; it mandated postal voting, rather than voting at consulates, as many of the activists would have preferred; it limited participation to migrants already possessing the electoral credential, available only in Mexico, as opposed to the *matrícula consular*, available in the United States; last, it



required eligible voters to send, via registered mail, a written request that they be included in a register of voters abroad, doing so in a three and half month period well before the most intensive period of campaigning would have begun. Activists in the United States did what they could to encourage the vote, using “their resources (e.g., skills, contacts, electronic networks and infrastructure) to organize campaigns in communities across the United States in order to inform expatriates of the new legislation, facilitate voter registration, and get out the vote (Hamm 2009: 111)” and going so far as organize a caravan which took residents of southern California to Tijuana to obtain a voting credential, an activity explicitly limited to those authorized to leave and re-enter the United States (Truax 2005). Not surprisingly, only 40,786 emigrants registered to vote, 80 per cent of whom later cast a ballot (Navarro and Carillo 2007).

A variety of factors, including the heavily undocumented nature of Mexican migration and the low socio-economic background of the migrants, depressed participation. While it is hard to quarrel with Cornelius, McCann, and Leal in concluding that “the legislation that allowed expatriates to vote...made it practically difficult for them to do so (2009: 145)” asking about the available options and taking a second look at the identity of the relevant actors and the circumstances under which they intervened might explain why this particular path was chosen.

The key actors were to be found both south and north of the *río bravo*. U.S. political and economic figures whose responses proved crucial in the deployment of the *matrícula* had no direct involvement in this debate. Nonetheless, the significance of territory, and the migrants’ location in a foreign land, figured prominently in the

competing frames developed by proponents and opponents of the expatriate vote movement.

The repertoire developed by vote movement activists linked nationalism to democratization, though with undertones reminding listeners of the migrants' economic contributions. Activists invoked membership, belonging, and loyalty to a deterritorialized Mexican nation. Analyzing the early stage of the vote movement, Perez-Godoy describes the claims as "integrationist," in the sense of constructing "a transnational community of Mexicans ...that extended beyond the territorial boundaries of the Mexican nation (1998:79)". While the pro-vote activists refer to the migrants as "Mexicans in the diaspora", whom they describe as "transnational persons ( Coalición 2003: 354)" their claims have been, not so much trans-national, as nationalist and patriotic, as summed up in a proposal submitted by a pro-vote coalition to the Mexican congress in 2003:

The Mexicans that left the country never renounced their pride in their national origin or their rights and obligations...The migrants have been admirable defenders of the language, the culture, and the civic traditions of the Mexican nation... ( Coalición, 2003: 353)

Proponents also contended that franchise extension was a matter of rights, inherent in the emigrants' Mexican citizenship, and one that would give them influence over consuls and other sending state institutions that they encountered as migrants in the United States<sup>5</sup>, while also consolidating Mexico's democratic transition. Buttressing these claims were reminders of the importance of the migrants' economic contributions, as underlined in the pro-vote coalition's proposal:

...the migrants directly sustain more than a million families that remain in Mexico, keep states and regional economies alive, and comprise the country's second most important source of currency (Coalición 2003: 353).

By contrast, the frame developed by opponents of expatriate voting sought to discredit the migrants' membership claims by invoking the foreign location and possibly foreign affiliation of the expatriate voters. Since expatriate voters would include naturalized U.S. citizens, election results might be decided by "a group of foreign citizens, many of them living for years outside of Mexico, with a knowledge of the country not what it should be (Carpizo, 1998: 109)". Whereas the pro-vote activists presented themselves as true Mexicans, opponents suggested that they might instead be "norteamericanos", with loyalties to that foreign country:

Thus, millions of armed defenders of the North American flag would continue being Mexican citizens and voting in our Presidential election, doing so equally in a *barrio* of Los Angeles as in a base in Guantánamo (Carpizo and Valadés 1998: 57).

Since US employers could easily sway the votes of vulnerable Mexican migrants, opponents further reasoned that franchise extension would provide yet another means of widening U.S. interference in Mexican affairs.

Thus, like the restrictionists on the U.S-side of the border, Mexican nationalists saw any extraterritorial influence as an infringement on national sovereignty. By contrast, political officials emphasized more pragmatic considerations related to matters of state. Thus, Luis Derbez, foreign minister from 2003-6 under Fox insisted that the

Mexican consular network lacked the capacity to serve as voting stations. Derbez also worried about repercussions in the United States:

We cannot rule out the possibility that the celebration of Mexican elections in the US will reinforce the position of conservative US sectors and radicalize the anti-immigrant groups...Implementing a process of photocreencialization by million of potential voters could have the collateral impact of eroding confidence in the Matrícula Consular.. ( quoted in Santamaría Gomez 2006: 103)

While elite views diverged from popular opinion, which favored the expatriate vote, they also resonated broadly: the same public that favored the vote also worried about the costs and potential for fraud involved in organizing elections in another country, as well as the possibility that the migrant vote might decide the election (Consulta Mitrovsky 2004).

Likewise, public opinion diverged from the emigrant vote activists in opposing campaigning abroad, in preferring that voting be limited to the Presidential race, and in opposing the idea that Mexican emigrants could be elected to political offices in Mexico (CESOP 2006).

Thus, the migrants' presence on the territory of another state provided both the leverage to exercise pressure *and* the basis by which their opponents constructed a counterframe. Paradoxically, Mexico's democratization, which initially facilitated the effort to expand the vote extra-territorially, also worked against that cause. As noted by *IFE's* expert commission, the costs and scale entailed in reproducing Mexico's voting system on U.S. soil made that proposition a practical impossibility (Woldenberg 2004: 304-5). Instead, difficult choices had to be confronted: how to guarantee universal, equal, and secret suffrage; how to regulate party competition; how to prevent offences against

electoral law. Because expatriate voting would take place on the territory of a different, sovereign state, Mexico could neither provide external voters with the same security available on its own territory nor furnish a mechanism for resolving disputes should extraterritorial votes or campaign practices be contested (Nohlen and Grotz 2000; 2008). Each option entailed its own set of trade-offs. Postal voting would reduce costs and yield the greatest coverage, but would also involve greater security risks (*Instituto Federal Electoral* 1998 [2004]). Greater security could be achieved by voting in consulates or special election booths, but at higher cost and to the detriment of voters living in areas of lower immigrant density. Moreover, the more ambitious the goals – such as expatriate voting for state, as well as presidential elections – the higher the costs and the more difficult the logistical problems. While costs could be reduced by contracting electoral services to local electoral districts in the United States – as suggested by Illinois officials (*La Jornada* 2007) – collaborations of this sort put electoral management into the receiving state's control, raising just the issues of national autonomy and sovereignty flagged by vote opponents.

These factors took on particular significance in the Mexican context, tying the activists' hands. While the *IFE* was one of the few Mexican political institutions enjoying high confidence both among the public and across the parties (Camp 2009: 30), the problems inherent in expatriate voting threatened its integrity. Moreover, internal democratization raised the bar for external voting, since “the more sophisticated and exacting is the internal electoral regime, in terms of guarantees of security, confidence, and equity, the greater are the difficulties in replicating and controlling it abroad (Navarro: 2007:251).” Having framed the expatriate vote as an extension of Mexico's

democratization, the activists could only propose solutions that would consolidate those gains, not weaken them. Hence, the issue of how external voters could prove eligibility turned out to be a fatal stumbling block.

Though described as “universal,” democratic suffrage systems all restrict voting to a smaller class of eligibles. On home territory, electoral systems typically use age, mental ability, and residence as criteria for determining which nationals can enjoy the right to vote (Blais et al, 2001); once nationals cross the border, expatriate electoral systems also need to identify nationality, which is why documenting nationality is a standard feature of expatriate voting systems (Navarro, 2007). Following the reform of Mexico’s electoral system, voters were required to present a tamper-proof, voter registration card, the *credencial para votar con fotografía* (CVPF), or electoral credential, to be checked against the electoral registry, which reproduced the photograph appearing on each credential (Becerra et al, 1997). Since the *credencial electoral* had only been introduced in the early 1990s, longer established immigrants were unlikely to have obtained it before leaving home. By the late 1990s, the credential was already functioning as a *de facto* identity card in Mexico new emigrants, over time becoming almost universally possessed by Mexico’s adult population.<sup>6</sup> Nonetheless, emigrants were likely to leave home without the credential in hand. As noted by Castañeda, “getting caught with documents, particularly authentic ones is perilous” for undocumented immigrants, which is why identifying documents are quickly disposed of, “in compliance with the coyote’s instructions (2007: 144)” As the credential was of no use in the United States, migrants who brought it with them also had no need to retain it.

While no one knew just how many migrants crossed the border with the *credencial electoral* in hand, all experts agreed that the great majority migrants lacked a credential; hence, enfranchising the emigrants would necessarily entail a significant effort to check eligibility and provide proof of identity. However, the credential could only be obtained on-site in Mexico. The activists favored a registration process that would allow “potential voters to obtain a voter ID card without returning to Mexico (Smith and Bakker, 2008: 138)” but that option lacked traction. Foreign ministry officials worried that any U.S.-based effort to disseminate the electoral credential might raise questions about the *matrícula consular*, in whose credibility an enormous investment had been made (Truax 2005). Consuls in the U.S. insisted that they lacked the resources and funds needed to simultaneously disseminate an electoral card *and* furnish migrants with the *matrícula* (Garcia 2005a). Accepting the more widely available *matrícula* would have been the more practical alternative, but it was one to which activists could not accede, worrying that acceptance of the *matrícula* would bring the government back into election administration, from which it had been removed by mid-1990s reform package (Urruti, 2004). Using consular offices for the purposes of issuing electoral credentials would have had the same effect, as the consulates were entities of the foreign ministry.

Publicly, the activists appeared to bow to the inevitable (Rodriguez 2005), contending that for all its disappointing results the 2006 election was the first step in a broader expansion of migration voting rights. Once the dust settled, discussion resumed where it had last ended. “We need the credential,” complained an immigrant activist in the aftermath of the 2006 election. “Having the right to vote does not do us any good if

we cannot do it without the credential and we do not have access to it; it as if someone loans you the car, but doesn't put in gasoline (Truax 2007)"

## **Conclusion**

Wherever they go, international migrants continue their ties to the people left behind, whether through travel, communication, material support, or political involvement. These grassroots, wildcat migrant actions elicit responses from sending states trying to influence, if not control, the behavior of nationals living abroad and turn their residence in a rich country to good account. With a century-long history of migration to the United States and roughly ten percent of its population living outside its boundaries, Mexico has extended experience in responding to the spillovers of migration, which is why its engagement with Mexican emigrants has interested scholars and policymakers alike.

This paper seeks to gain traction on the politics of emigration by comparing two of its salient aspects: sending state policies linked to the problems encountered by *citizens living abroad as aliens* and those related to efforts, whether initiated by states or by emigrants, to maintain *membership in the homeland* where the emigrants no longer reside. The literature insists that simultaneous embeddedness in two societies is a salient aspect of the immigrant reality, facilitated by the advent of new, post-nationalist, multicultural environment, which provides greater allowance for the retention and even the public expression of home country loyalties. But as both cases demonstrate, the relational nature of national identity, defined in contrast to alien states and people, ensured that claims made by *aliens* in their *place of residence* or by *citizens* residing in *alien places* would trigger hostile reactions.



The politics of *emigrant membership* are reflected in the migrants' clamor for the expatriate vote. The *emigrant* activists presented themselves as displaced, but true members of the Mexican nation, and also as Mexican citizens, for whom the vote was a right. *Sotto voce*, they noted that their remittances helped pay Mexico's bills. In their self-presentation, the activists appeared to be those very people "living lives across borders" identified by the scholarly literature on transnationalism; however, Mexican opponents of expatriate voting looked askance at the underlying idea. The ideologically minded, advancing views of nationhood that mirrored those put forth by the U.S. critics of the *matricula*, saw the activists as either "norteamericanos" or instruments of greater US influence. Pragmatically minded officials and bureaucrats, all too aware that their compatriots suffered from *non-incorporation* in the United States, were less concerned with emigrants' claims to belonging to a cross-border Mexican nation, than with the negative reactions that expatriate voting might produce among the *norteamericanos* themselves.

By contrast, the case of the *matrícula consular* exemplifies the conditions that lead states to protect citizens abroad and the conflicts induced by those efforts. In moving to the United States, Mexican *immigrants* found that arrival in a richer, freer country led neither to political incorporation nor to a basic, stable package of rights; moreover, they encountered a series of persistent, practical problems threatening their hopes for continued residence and also disrupting their ability to support close associates at home. In turn, these difficulties produced an opening for intervention by a sending state which otherwise had "little to offer its emigrants (Fitzgerald 2009: 161)". Though permitted, sending state engagement was difficult to manage. As noted by Mexican

diplomat, Carlos Gonzalez Gutierrez: “A *sine qua non* of the consulates’ activities is to ensure that nothing they do constitutes interference in the domestic matters of the host country (1998:63)”. That Mexico’s advocacy of the *matrícula* provoked such antagonism shows that the bounds of “interference” lie in the eyes of the beholder. The appropriate line had long been crossed for the restrictionists, who used the *matrícula* to revive long-standing, still potent, views of immigrants as foreign sources of threat. While defenders of the consular card rose in defense, their failure to respond to these membership issues, preferring instead to emphasize narrow, pragmatic concerns, demonstrates the ideological potency of the traditional view of national sovereignty, advanced by the restrictionists.

Concluding that “transnational involvement does not...impede immigrant integration (Levitt and Jaworsky 2007: 137)” the literature assumes that emigrants’ aspiration to belong to both home- *and* hostlands is unlikely to trigger allergic receiving society reactions, which is why it understands the politics of emigration as involving a dyadic interaction between emigrant activists and homeland political elites. However, the politics of the *matrícula consular* entailed a far more complex relational nexus, sweeping up migrants, homeland officials, and a highly conflicted, diverse set of hostland elites. As opposed to expatriate voting, the migrants did *not* undertake concerted action, a role seized by established, domestic groups with the capacity to intervene institutionally. On the other hand, the migrants engaged in large-scale parallel action: by quickly and massively applying for the *matrícula*, and then putting it to use, they activated the interests of U.S.-based entities, who then intervened to protect the *matrícula*, for reasons of their own.

At first glance, Mexico's initial experience with expatriate voting may appear to fit the dyadic pattern involving interactions between emigrants, on the one hand, and home states, on the other. But as with the case of *matricula*, emigrant voting triggered a broader set of reactions, most notably among civil society actors in Mexico, either for reasons of principle – thinking that residence abroad precluded membership in the home country polity – or for reasons of practicality – thinking that unpredictable emigrant votes could sway an election. Though the issue stirred no controversy in the hostland, whether on the part of state officials or civil society actors, all parties attended to that possibility. Experience elsewhere, such as Germany, Australia, and even Canada, shows that proposals to encourage expatriate voting have elicited allergic responses from both host authorities and immigrant advocates, who see immigrant homeland involvement as impeding integration. Hence the politics of expatriate voting necessarily includes the host country, if not as an engaged player, than at least as a latent actor.

If both cases underscore the capacity deficit *inherent* in sending states' engagements with emigrants, the contrasting experience also highlights a source of fundamental *variation*, one related to the *place* toward which policies are directed. The *matrícula consular* may not have delivered quite as much as Mexico's officials had hoped; still, it improved life for masses of *immigrants*, as indicated by the fact that millions so eagerly embraced it and then put it to good use. By intervening in the state where the *immigrants* actually lived, Mexico provided its *citizens abroad* with protection, giving them a practical tool well-suited to the existing, on-site infrastructure, and one whose utility was appreciated by U.S. financial institutions as well. Once having welcomed customers possessing the *matrícula*, banks and other like institutions then had

a vested interest in its continued recognition; as noted in the Treasury report, so too did the U.S. government, as measures that brought unbanked persons into the financial system served other, valued, policy ends. Similarly, what served Mexico well also converged with the ideal and material interests of immigrant rights advocates and ethnic organizations, who, working in parallel, and often in tandem with Mexican consuls, mobilized to get approval at state and local level, where they achieved significant success.

Further lessons may be found in the striking parallels to the “wanted but not welcomed” syndrome that characterizes Mexican migration overall, as the politics of the *matrícula* reproduced the strange bedfellows coalition characterizing the politics of immigration policy (Zolberg 1999; Tichenor 2002), with both right and left coming together in defense of the *matrícula*’s acceptance. Likewise, the bureaucratic responses bear a resemblance to the “smoke and mirrors,” “borders games” family of migration policies, not providing acceptance, but not taking the hard, self-injurious steps that would have been entailed in outright rejection. However, contrary to scholars (Bakke, 2011) who have depicted the case of the *matricula* as an illustration of the “rescaling of citizenship,” no extension of *rights* -- which, by definition, are universal, inviolate, and codified in law – was entailed. Rather, the response by U.S. authorities involved a series of pragmatic, ad hoc, uneven measures, of which the most important – intervention by the U.S. Treasury – was purely discretionary and could be changed by a stroke of a pen, from one minute to the next. The tacit but limited acceptance accorded the *matricula* simply allowed all parties to continue with business as usual, making it easier for *immigrants* to

adapt to their circumstances, without in any way gaining membership or statutory enhancement of their status.

Thus, by attending to the needs of *immigrants* who were themselves needed by *U.S. domestic* actors, Mexico found a productive avenue for engagement, albeit one that only led to mixed success. Even so, investments of this sort, which entail helping a population that “has decided to leave the country and settle permanently in the United States,” add to the obligations of states “with so few resources and so many domestic problems (1993: 225)”, to again cite Carlos Gonzalez Gutierrez. But as opposed to the *matrícula consular* or other sending state policies directed toward the state in which *immigrants* actually live, systems designed to facilitate *emigrant* voting entail a far more disadvantageous mix of costs and benefits. While a small group of activists campaigned intensely to gain the right of voting from abroad, no such passion was evinced by the immigrant rank and file. As demonstrated by surveys of Mexican immigrants in the United States, social connections to kin and friends in Mexico are strong and pervasive. However, homeland politics generate very little interest (Waldinger, Soehl, and Lim, 2012) making the immigrants different from their compatriots back home, who are far more likely to talk about or pay attention to Mexican politics (McCann et al 2010). As the immigrants are disengaged, they also lack knowledge of even the basic facts of Mexican electoral politics (Suro and Escobar 2006; Waldinger and Soehl, 2013): two-thirds of the Mexican immigrants queried by a nationally representative survey of Mexican immigrants taken by the Pew Hispanic Center in 2006 agreed with the statement “I am insufficiently informed about Mexican politics to vote.” Indeed, less than half of

those polled knew that 2006 was an election year and not quite 20 percent knew that the election would be held in July.

In detaching from homeland elections, Mexican immigrants in the United States acted much like their counterparts elsewhere in the world. As noted by the *Handbook on Voting from Abroad*, “rates of registration and turnout among external voters are almost always lower than they are in-country (Ellis and Wall 2007: 262)”. That pattern can be widely detected, whether the benchmark comes from long-established systems of expatriate voting, like France’s or Sweden’s, or the newer systems, such as those that have sprouted elsewhere in Latin America (Ellis and Wall 2007; Navarro, 2007). The same holds true even when the expatriate electoral system is relatively friendly – as demonstrated by the case of the 2004 election for President of the Dominican Republic, when migrants accounted for less than 1 percent of the vote (Itzigsohn and Villacres 2008: 672). Turnout levels drop even further when expatriates are allowed to vote at the sub-state level: of the roughly 4 million emigrants from the Mexican state of Michoacan living in the United States, fewer than 1,000 chose to register in 2007, when *Michoacanos* abroad were first allowed to vote in state elections (Valle 2008).

Consequently, expatriate voting represents a “‘boutique’ form of engagement...open to only a select few (Leal, et al. 2012: 548).” As noted earlier, the activists, unlike the undocumented immigrants flocking to the consulates in search of protection, comprised an elite enjoying the freedom, not just to press their demands by demonstrating in front of consulates, but also to repeatedly return to Mexico for face-to-face lobbying of state officials. Those immigrants who decided to cast a ballot were no less distinctive, bearing little resemblance to the rank and file immigrant, and possessing

especially strong ties to Mexico. Though the persons responding to a survey of voters living in the United States conducted by Mexico's *Instituto Electoral Federal* are likely to have been selective, the results are nonetheless instructive (Instituto Electoral Federal, 2006a): 37 percent possessed a college degree and another 31 percent had completed some post-graduate work; 82 percent described themselves as "very interested" in Mexican politics (whereas only 12 percent of the almost 4,000 Mexican immigrants polled in the Latino National Survey told pollsters that they paid "a lot of attention" to Mexican politics); 19 percent belonged to an immigrant organization (as opposed to 4 percent among those polled by the Latino National Survey).

Reconnecting with the homeland – whether in order to vote, to provide talent or technical assistance based on experience acquired abroad, or to help out a community left behind – satisfies the patriotic or philanthropic wants of those *emigrants* who no longer require home state intervention for resolution of everyday needs associated with the *immigrant* condition. Whereas sending country policies designed to facilitate *immigrants' integration abroad* build on other processes that embed the newcomers in the place where they live, policies like the expatriate vote, which re-connect *emigrants* with their *homeland* are more likely to generate conflict. Like the vote activists, other re-engaged emigrants – be they investors, inventors, or philanthropists – link back up with ideas and resources that can threaten established interests – often of the very people who were happy to see the emigrants go.

Moreover, catering to interests of the small fraction of intensely politicized migrants entails the non-trivial costs of establishing an infrastructure *de novo*, in a place where the price of doing business exceeds the comparable levels found at home. To

again quote from *Voting from Abroad*, “External voting processes involve logistical arrangements that often cost more per voter than elections organized in the home country (Ellis and Wall 2007: 262)”. Mexico’s initial experiment in expatriate voting was indeed highly costly, involving an expenditure \$27.7 million, or \$1200 per expatriate vote cast (Ellis and Wall 2007: 262). While start-up operations are always expensive, supporting external voting in the 2012 election proved almost as expensive, yielding exactly 1,000 additional votes cast in the United States (Instituto Federal Electoral, 2012). Moreover, Mexico’s experiences are paralleled elsewhere: thus, the costs entailed in each Canadian expatriate vote are four times those disbursed for in-country votes, (Lesage 1998:105), expenditures that are particularly striking as surveys indicate that Canadians abroad lack a strong desire to vote (Zhang 2007). And whereas Canada and other developed states allowing external voting are rich countries whose expatriates live abroad under conditions comparable to those at home, the same does not hold for the emigration countries of the developing world. Moreover, efforts by Mexico and other developing countries to invest in infrastructures facilitating emigrant voting effectively reallocate resources from more deprived stay-at-homes to more prosperous migrants, living in more secure societies with more abundant public goods.

The end results certainly left the vote activists frustrated. However, their efforts did lead to an extension of *emigrant* rights, unlike the ad hoc, bureaucratic and inherently provisional decisions that allowed *immigrants* to use the *matrícula* to solve some of their problems. That the Mexican state bowed, at least in part, to the emigrants’ demands is all the more striking, given the relatively paltry number of emigrants who held expatriate voting rights dear. In seeking to limit the practical impact of the new legislation, Mexico



acted much as sending states elsewhere, doing what was needed to retain the emigrants' loyalty while minimizing the likelihood that votes cast from abroad would alter electoral outcomes at home.

In conclusion, the contrast between the two policies examined in this paper reflects the duality at the heart of the migrant situation: *immigrants* are also *emigrants*. While sending states and emigrants *can* reach across borders to rebuild or expand membership in the political community left behind, those efforts take place in a territory that the home country cannot control and where – *relative to home state elites* -- the movers enjoy resources never previously possessed. As foreigners, the *immigrants* seek acceptance on host country soil; as expatriates, the *emigrants* seek recognition on native grounds. However, neither option fully holds. For that reason, the interaction between sending states and nationals abroad yields conflict in receiving and sending societies alike. Although inherently constrained, sending states can exercise influence when intervening on the receiving society side, where the embeddedness of *immigration* provides a source of leverage. By contrast, efforts to re-engage the *emigrants* back home encounters yields a much less favorable outcome, as the emigrants' extra-territorial status provides the resources needed to expand expatriate rights but simultaneously impedes the effort entailed in sustaining connections to the people and places left behind.

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## Notes

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<sup>1</sup> Extensive international consultation and networking characterized Mexico's approach in both the build-up to and the aftermath of the 2006 expatriate vote. In 1998, for example, the *Instituto Federal Electoral* convened an International Seminar on Expatriate Voting, featuring representatives from over 20 countries (Instituto Federal Electoral, "Informe de

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la Comisión de Especialistas,” in *El Voto de los Mexicanos en el Exterior*, ed. Gonzalo Badillo Moreno (Michoacán: Gobierno del Estado de Michoacán, 1998 [2004]). Later, with the International Institute for Democracy and Electoral Assistance, it was a co-sponsor and co-publisher of the *Handbook on Voting from Abroad* (Andrew Ellis et al., *Voting from Abroad: The International IDEA Handbook* (Stockholm: International IDEA, 2007). In 2004 and 2005, Mexico’s Foreign Ministry convened two international conferences on “State-Diaspora Relations,” with policymakers and academics from a broad range of countries, including Turkey, Morocco, India, Haiti, El Salvador, among others, and later published the proceedings of the meetings.

<sup>2</sup> Calculated from MIREM-RDP, © EUI , Database on Return Migrants to the Maghreb; public use data downloadable from:  
[http://www.eui.eu/Research/Library/ResearchGuides/Economics/Statistics/DataPortal/DR\\_eMM.aspx](http://www.eui.eu/Research/Library/ResearchGuides/Economics/Statistics/DataPortal/DR_eMM.aspx)

<sup>3</sup> As of this writing (December 2013) some states, like California and Utah, have recently decided to issue cards that would allow undocumented immigrants to drive, pending successful completion of a conventional driver’s exam. However, as these cards will not be in compliance with the REAL ID act, they cannot serve as identification for the purposes of boarding a commercial flight. In addition, California’s Department of Motor Vehicles is planning on designing the cards to look slightly different from driver’s licenses or to contain the abbreviation “DP” for driving privilege instead of “DL” for driver license.

<sup>4</sup> Unless otherwise indicated, this section draws from the following sources: Jorge Alcocer V, *El Voto de los Mexicanos en el Exterior*, Mexico, DF: Nuevo Horizonte, 2005; Leticia Calderón Chelius, “En Busca Del Voto Perdido: Análisis del Resultado del Voto en el Exterior en la Elección Presidencial Mexicana de 2006,” in *Invisibles? Migrantes Internacionales en la Escena Política*, ed. Cecilia Imaz Bayona (Mexico: UNAM, 2007): 199-215; Calderón Chelius, “Votar en la Distancia”; Denise Dresser, “Exporting Conflict: Transboundary Consequences of Mexican Politics,” in *The California-Mexico Connection*, eds. Abraham Lowenthal and Katrina Burgess (Stanford: Stanford University Press, 1993): 82-113; David Fitzgerald, *Negotiating Extra-Territorial Citizenship: Mexican Migration and the Transnational Politics of Citizenship*, Monograph 2 (San Diego: Center for Comparative Immigration Studies); Miriam Hazan, *Incorporating in the United States and Mexico: Mexican Immigrant Mobilization and Organization in Four American Cities*, Ph.D. Dissertation, University of Texas, Austin 2006; Jesus Martínez Saldaña, “Participación Política Migrante: Praxis Cotidiana de Ciudadanos Excluidos,” in *La Dimensión Política de la Migración Mexicana*, eds. Leticia Calderón Chelius and Jesús Martínez Saldana (Mexico City: Instituto Mora, 2002): 159-331; S. Mara Perez Godoy, “Social Movements and Internacional Migration: The Mexican Diaspora Seeks Inclusion in Mexico’s Political Affaire, 1968-1998,” unpublished Ph.D. dissertation, University of Chicago, 1998; Arturo Santamaría Gomez, *La Política entre Mexico y Aztlan* (Culiacán Rosales: Universidad Autonoma de Sinaloa, 1994); Arturo Santamaría Gomez, 2006, *Emigrantes Mexicanos: Movimientos y Elecciones Transterritoriales* (Culiacán Rosales: Universidad Autonoma de Sinaloa, 2007); Robert Smith, “Contradictions of Diasporic Institutionalization in Mexican Politics: The 2006

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Migrant Vote and Other Forms of Inclusion and Control,” *Ethnic and Racial Studies* 31, no. 4: 708-41; Smith and Bakker, *Citizenship Across Borders*.

<sup>5</sup> Martinez Saldana and Pineda, “Suffrage.”

<sup>6</sup> As of 2006, 95 percent of Mexicans aged 18 or over were inscribed in the electoral registers, of whom 99 percent possessed an electoral credential (Instituto Federal Electoral, 2006b)