

UNCLASSIFIED

UNCLASSIFIED

RELEASED IN FULL

Plan for Implementation of  
Section 118 of Public Law 110-161  
(Foreign Relations Authorization Act, Fiscal Year 2008)

HM

Cooperation with the Government of Mexico

In recent decades, Mexico has faced a serious challenge regarding how to provide economic opportunities to its growing population. The economy is now growing at a sustained, healthy rate, but challenges remain, particularly for less-skilled workers. At the same time, the United States has generated significant demand for labor, both skilled and unskilled. Our governments have worked together at different levels to meet these challenges by providing legal opportunities for temporary workers to travel from Mexico to the United States, with guarantees of their rights under U.S. law.

Over the past decade, the underlying economic challenges have been exacerbated as drug trafficking and other criminal organizations have grown in size and strength, aggressively intimidating government institutions in Mexico and Central America, and threatening those countries' ability to maintain public security and expand the rule of law. In our towns and cities, the people of the United States feel the economic and human toll from organized criminal elements operating across our borders. Gang violence, drug-related crime, and higher rates of trafficking in persons all impact our own national security and impose mounting economic and social costs.

Mexico and the countries of Central America have had some success in their own efforts to fight these transnational criminal organizations, but they cannot win the battle alone, and doing more will require an integrated regional approach. The Government of Mexico is demonstrating unprecedented willingness to confront the issue and to work with the United States and with the governments of Central America to confront these issues. In order to seize a compelling and time-sensitive opportunity to advance our national interests, the President announced the Merida Initiative to support our partners' ability to act within their own territory and cooperate across borders with one another and with us. Stronger partners willing to work with us as we step up our own enforcement efforts are the key to success in reducing the violence of transnational criminal organizations in our country and throughout the region.

The activities contemplated under the Mexican elements of the Merida Initiative support key components of an integrated strategy already started by the

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 2 -

Government of Mexico. This report addresses those Mexico-specific elements of the Merida Initiative that are designed to combat drug trafficking and associated violence, human trafficking, and arms smuggling directly. Planned assistance should have an indirect impact on illegal immigration, gang violence, and violence against women. This report also addresses the issues of protection of workers' rights and circular migration in the context of U.S./Mexico temporary worker programs.

#### COOPERATION REGARDING BORDER SECURITY

Cooperation with the Government of Mexico on border security is excellent and will become even stronger if the Merida Initiative is approved. The United States and Mexico have developed, over the past decade, a wide variety of tools to improve coordination and information-sharing along the border. Some are structured, such as the Border Liaison Mechanisms, the Border Enforcement Support Teams, the Border Security and Public Safety Working Group (BSPS), and the Border Facilitation Working Group. Others are unstructured, such as direct radio contact between ports of entry officials, allowing for rapid communications in the event of real-time emergency situations.

BSPS coordinates the efforts by both governments to establish communication and response protocols in dealing with border violence. The group meets monthly with border security stakeholders from both governments to discuss issues of cross-border violence and coordinate efforts to reduce the increasing levels of violence along the U.S./Mexico border. The BSPS working groups are co-led by DHS/Customs and Border Protection (CBP) and Mexico's Center for Investigation and National Security (CISEN). The two sides have conducted practical exercises and put in place communication protocols in the event of incidents of violence. They met recently to discuss and defuse rock-throwing incidents and tear-gas responses in the Tijuana region.

In addition, there are now five Border Enforcement Security Task (BEST) Forces in place along the U.S.-Mexico border at Laredo, El Paso, and Harlingen, Texas, as well as in Tucson, Arizona, and San Diego, California. BEST incorporates personnel from DHS/Immigration and Customs Enforcement; CBP; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); the Federal Bureau of Investigation; the U.S. Marshals Service; and the respective U.S. Attorney's Office, as well as key state and local

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 3 -

law enforcement agencies and CISEN. Each BEST focuses on combating cross-border criminal activity within its geographic region.

BEST investigations have resulted in hundreds of criminal and immigration arrests, as well as significant drug, arms, and currency seizures. The BEST initiative has substantially enhanced the partnerships between U.S. and Mexican law enforcement along the border. The heightened cooperation has resulted in the successful return of criminal fugitives being sought in both countries.

Border Liaison Mechanisms (BLMs) operate in each of the 10 "sister city pairs" along the border. Chaired by Mexican and U.S. Consuls General, the BLM meetings draw in officials from federal, state, and local agencies. The business community and non-governmental sector often participate as well. BLMs foster a web of personal relationships among local officials, which address short-term crises and help resolve long-term issues. BLMs have stepped in to help defuse tension related to illegal migration and the strain it places on border governments and citizens.

The Border Facilitation Working Group grew out of President Bush's visit to Mexico in March 2007 and is made up of representatives from the Departments of State, Homeland Security, and Commerce with their Mexican counterparts. Since formed, this group has met several times at high-volume border ports of entry to assess bottlenecks and make specific recommendations on ways to reduce travel times and increase the flow of commerce, while not lowering our security profile.

#### Drug Trafficking and Gang Violence

As the Calderon Administration has continued to confront drug trafficking organizations, those organizations have become increasingly violent in response. In 2007, more than 2,700 people were killed in drug-related violence, 315 of them Mexican law enforcement agency personnel. Over time and with additional resources, however, the Mexican government will gain the upper hand and violence should decrease.

The Merida Initiative would provide resources to assist the Government of Mexico to implement its strategy to break the power and impunity of criminal organizations. The Government of Mexico is developing a consolidated, professional federal police force to take the lead in the fight against drug trafficking and organized crime. This force, under the Secretariat of Public

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 4 -

Security (SSP), is developing the capacity to vet police officers thoroughly by conducting background checks, polygraph tests, and other measures to identify and deter corruption in the ranks. U.S. assistance will support:

- development of a corps of professional polygraphers trained to U.S. law enforcement standards;
- development of police training curricula to be employed by the SSP in the professionalization of its entire corps, including training in ethics and human rights for police, prosecutors, and prison officials;
- development of its Offices of Professional Responsibility and Inspector General, through the provision of technical assistance, training, and equipment to strengthen internal controls; and
- civil society organizations that will help develop the civilian oversight organizations to work with the SSP.

While the Calderon Administration enacts sweeping reforms of the police at the federal, state, and local levels, and implements measures to improve the rule of law, the President has assigned the military a key role in countering the well equipped transnational criminal organizations. The Merida Initiative would provide equipment and training in support of this mission. U.S. funding would help Mexico more quickly stand up a squadron of helicopters to transport military and police personnel and equipment rapidly around the country; thus confronting criminal organizations with appropriate resources wherever and whenever the need arises. Surveillance planes will allow the Mexican navy to more effectively patrol Mexico's territorial waters for drug trafficking and other smuggling activity.

Assistance will also support development of police non-intrusive inspection (NIIE) capacity, including mobile gamma-ray equipment, x-ray vans, and canine teams, to interdict contraband in coordination with the Mexican military and customs service. Expanded NIIE capacity will enable the Mexican security agencies to go beyond partial, port-of-entry-focused coverage to a more comprehensive and overlapping capacity to interdict contraband throughout their national territory. This, in turn, ensures traffickers are less likely to elude detection by changing routes to "uncovered" areas.

Locating and arresting members of organized criminal groups is only a first step in preventing them from disrupting Mexican society. Prosecution and incarceration are essential links in the chain to ensure that criminals face a credible threat of capture, conviction, and secure incarceration in which they cannot continue their operations. The Merida Initiative would improve coordination and

UNCLASSIFIED

---

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 5 -

cooperation between Mexican law enforcement agencies and U.S. law enforcement counterparts so that criminals cannot exploit vulnerabilities or gaps in cooperation. The Merida Initiative would give Mexican citizens increased confidence in their law enforcement and judicial authorities, so that they will feel able to come forward to report crimes and abuses of authority and be assured that they will be protected when they do so.

#### Human Trafficking and Arms Smuggling

The Operation Against Smugglers (and Traffickers) Initiative on Safety and Security (OASISS) has been facilitating the sharing of information and records between prosecutors working on both sides of the border in human trafficking cases since 2005. The cooperation made possible by this project has resulted in more than 650 human trafficking suspects being identified for prosecution to date; many have already been convicted. The data exchange was partially computerized in 2007. Merida Initiative funding would finish the computerization and expand its capacity to handle large files, as well as expand operations along the entire border with the United States. Adaptation to the basic software will later allow it to handle similar information exchanges on separate systems regarding traffickers in arms and other cases of smuggling. Those who traffic in persons, arms, or other contraband can more readily be prosecuted on one side of the border or the other. A Department of Justice (DOJ) attaché at the U.S. Embassy in Mexico City has worked with Mexican state and federal officials to achieve improved rates of prosecution of traffickers of persons. The DOJ attaché's office has also advised five Mexican states as they drafted and implemented legislation against trafficking in persons.

The Government of Mexico is committed to increasing identification of and assistance to trafficking victims, with a toll-free hotline, increased support for shelters, and a special visa category to allow foreign victims to remain in the country in order to help build the case against their traffickers. Merida Initiative funding would also assist the design of victims' assistance and witness protection programs which would offer further safeguards to victims of crime, including trafficking victims.

The United States and Mexico are working together to deny smuggling routes to weapons traffickers. Under its Project Gunrunner, ATF is assigning additional personnel to the border region and stepping up coordination with their Mexican counterparts. At the same time, the Merida Initiative would provide NIIE

UNCLASSIFIED

---

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 6 -

to complement the already significant NIIE investment made by the Mexican government in the border region and throughout Mexico to target smuggled weapons (among other contraband, including cash and precursor chemicals used in methamphetamine production). ATF is developing a Spanish-language version of its tracing program, eTrace, to enable Mexican military and law enforcement to enter data on seized weapons that will help ATF identify sources and routes in the United States.

### Illegal Immigration

An improved security situation and stronger state institutions along with other economic reform initiatives, together with increased investment in infrastructure and education, should help to discourage out-migration from Mexico by providing increased economic opportunities in Mexico. Drug-related violence has hurt some sectors of the Mexican economy by discouraging some potential investors and weakening state institutions, slowing the rate of local job creation. As the security situation improves and is accompanied by continued economic reform and growth, residents should feel more positive about remaining in their communities to raise their children, work, and grow their businesses. Investment and tourist dollars should increase and the Mexican government should be able to budget more money for job creation and economic reform – a major priority of the Calderon Administration.

Initiatives to secure Mexico's southern border and to interdict trafficking in drugs, arms, and persons should also impact the organized human smuggling operations used by many illegal immigrants whether of Mexican or Central American origin.

The United States supports, directly and indirectly, significant efforts to reduce poverty in the major migrant sending regions of Mexico and Central America. For example, the Millennium Challenge Corporation supports major rural development programs in El Salvador, Honduras, and Nicaragua, all aimed at increasing employment opportunities. The U.S. Agency for International Development works throughout Mexico and Central America on education, health, and small enterprise programs. The congressionally funded Inter-American Foundation works in all of the Merida Initiative countries, except Costa Rica and Belize.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 7 -

Violence Against Women

Women in Mexico have been the victims of both drug-related violence and the inefficiencies inherent in overwhelmed police and court systems. The Merida Initiative would support institutional reforms within the justice system that will result in greater transparency and accountability in the investigation and prosecution of all crimes. The development of civilian oversight bodies for the SSP should make the new national police force more responsive to community needs and improve accountability by public officials.

COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS  
AND CIRCULAR MIGRATION

The Administration recognizes U.S. employers' need for temporary or short-term labor and the value of such employment to both the migrants seeking it and to their home countries, including Mexico. We also recognize that gaining the maximum benefit for all parties requires extensive public outreach and education, as we seek to ensure that everyone involved is aware of both their rights and obligations under U.S. labor and visa laws and regulations.

Providing Opportunities for Temporary Workers

Careful regulation and interagency cooperation are required to provide the maximum protection and benefit to all parties involved in this market. The Departments of State, Homeland Security, and Labor operate the very successful H2 temporary worker program, which last year provided employment opportunities to approximately 180,000 temporary workers. Mexico is by far the largest provider of H2 temporary workers, supplying approximately 56 percent of H2B (non-agricultural) workers, 93 percent of H2A (agricultural workers), and 75 percent of returning workers who had previously been classified H2B.

These workers provide a wide variety of skills and services to U.S. employers, thereby earning an income that can be used to support their families at home. Generally, they are also required to return to their home countries at the end of the work for which the petition was filed. In the case of seasonal agricultural workers, this means that they spend months each year with their families and retain ties to their homes.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 8 -

Visa application records indicate that many of these workers return temporarily to the United States to work for years, while maintaining strong ties to their homes. Anecdotal evidence from visa officers indicates that the program is so successful and beneficial to the workers that they encourage relatives and neighbors from home to participate in the program, thus spreading the benefit to both U.S. employers and increasing social stability in Mexico.

We estimate that remittances from the United States to Mexico amount to approximately \$24 billion annually and that these have continued to rise, albeit more slowly in 2007 than in recent years because of the slowing U.S. economy. Though no reliable methodology exists to estimate the portion of this total that can be attributed to H2 temporary workers, informal interviews with repeat H2A applicants indicate that most send 50 percent of their wages home, sending money twice a month. During visa interviews, these temporary Mexican workers regularly cite one or more of several motivations for seeking an H2 visa, including:

- Starting a business in Mexico;
- Paying educational expenses for children;
- Expanding their homes; or
- Paying medical expenses.

#### Cooperating with the Government of Mexico to Teach Workers

The U.S. Mission in Mexico engages in regular, ongoing outreach to potential temporary workers to advise them of their options, rights, and obligations under U.S. visa and labor laws. For example, our principal H2 processing post in Mexico, Consulate General Monterrey, Nuevo Leon engaged in more than 30 such public outreach events in the past year. In February 2008, a visa officer spoke directly to more than 250 potential H2A workers. Monterrey works with the government of the state of Nuevo Leon, both through the Secretariat of Tourism and the state-sponsored Center for the Protection of Migrants, to speak directly to would-be H2A applicants.

Other posts in Mexico also use outreach opportunities to discuss visa issues with Mexican government officials at all levels of government, and regularly provide speakers on visa issues for public events, radio shows, and other media. For example, the U.S. Consulate in Nuevo Laredo participates in six Border Liaison Mechanism meetings yearly, at which visa issues, including temporary worker visas, are regularly discussed. These meetings are attended by USG and

UNCLASSIFIED

---

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 9 -

Mexican government officials at the local, state, and federal levels. Consulate Nuevo Laredo, the second largest H2 processing post worldwide, uses its Spanish-language newspaper column, "Ask the Consul," to answer questions related to workers' rights and employment opportunities in the United States. In December 2007, Mission Mexico teamed with the Department of Labor (DOL) and the Department of Homeland Security H2 experts at a conference for H2 petitioners and recruiters in Dallas, Texas, to discuss the petition process and employers' obligations under U.S. law. In January 2008, Consulate Nuevo Laredo spoke about the H2 program and migrants' rights with bishops from Texas and Oklahoma at the Border Bishops Conference in Laredo, Texas.

#### Protection of Workers' Rights

Upon issuing H2A visas to Mexican applicants, our consulates also give the workers information from DOL that explains their rights and provides a toll-free number through which they can get more information or lodge complaints. In addition, interviews by visa officers, either during the visa issuance process, or when workers have returned to Mexico, sometimes uncover allegations of worker mistreatment or abuse. These allegations can range from underpayment, lack of available work and benching of employees to actual physical and psychological abuse, including inadequate and unsanitary housing, worker mistreatment by supervisory staff, and withholding of salary and legal papers such as passports or work permits.

State Department visa officers take seriously reports of worker abuse and/or labor violations, and report allegations of abuse to the Kentucky Consular Center, which determines how to proceed, depending on the type and severity of the allegations and the existence of any evidence. In cases of allegations involving abuses and violation of labor standards for H1B and H2A cases, incidents are reported to DOL using a formal reporting standard developed by the Departments of State and Labor. Allegations involving H2B category workers are reported to the U.S. Citizenship and Immigration Service, which has oversight of the H2B category. In those instances where the allegations indicate a possible criminal violation, the reports are also sent to the State Department's Bureau of Diplomatic Security.

UNCLASSIFIED

---

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 10 -

CONCLUSION

The Governments of the United States and Mexico have a deep and broad cooperative relationship with regard to border security and immigration matters, and this cooperation continues to yield positive results for the citizens of both countries. Expanded cooperation, including through the Merida Initiative if approved, should increase economic opportunities within Mexico and the confidence of the Mexican people in their country's institutions.

The Merida Initiative complements Mexico's own efforts, and those of our other partners throughout the region, to protect itself and its people from criminal trafficking organizations; it meshes with the efforts of domestic U.S. agencies to secure our borders, reduce demand for narcotics, and make our streets safer. It is a part of a comprehensive agenda in the Hemisphere, which seeks to support democracy, trade, and sustainable economic development, and foster cooperation on issues such as drug trafficking and crime, poverty reduction, and environmental protection.

UNCLASSIFIED

---

UNCLASSIFIED

UNCLASSIFIED

\\whanetapp\WHADData\MEXUS-Mexico assistance pkg\08-02-22 Merida effects  
report to Congress.doc

Drafted: WHA/MEX: Mary P. Stickles, 7-8209

Approved: WHA: Thomas A. Shannon

Cleared: WHA/FO: RJacobson (ok)  
WHA/MEX: JDickson (ok)  
WHA/CEN: HThompson (ok)  
WHA/PPC: KStiansen (ok)  
INL/LP: DHinckley (ok)  
USAID: SHendrix (ok)  
CA: TEEdson (ok)  
F: MTolliver (ok)  
H: JBulgrin (ok)  
D: MSConaway (ok)  
P: AMeltzer (ok)  
S/P: TCraig (ok)  
E: TPierce (ok)

---

UNCLASSIFIED