

The chapters in this book were prepared under the auspices
of the Lehrman Institute, New York City,
with funding from the Ford Foundation.

Immigration and U.S. Foreign Policy

EDITED BY
**Robert W. Tucker, Charles B. Keely,
and Linda Wrigley**

Westview Press
BOULDER, SAN FRANCISCO, & OXFORD

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher.

Copyright © 1990 by Westview Press, Inc.

Published in 1990 in the United States of America by Westview Press, Inc., 5500 Central Avenue, Boulder, Colorado 80301, and in the United Kingdom by Westview Press, Inc., 36 Lonsdale Road, Summertown, Oxford OX2 7EW

Library of Congress Cataloging-in-Publication Data
Immigration and U.S. foreign policy / edited by Robert W. Tucker,
Charles B. Keely, and Linda Wrigley.

p. cm.

Includes bibliographical references.
ISBN 0-8133-7853-2

1. United States—Emigration and immigration—Government policy.
2. Refugees—Government policy—United States. 3. United States—
Foreign relations. I. Tucker, Robert W. II. Keely, Charles B.
III. Wrigley, Linda. IV. Title: Immigration and US foreign policy.
JV6493.L53 1990
325.73—dc20

89-27486
CIP

Printed and bound in the United States of America

∞ The paper used in this publication meets the requirements
of the American National Standard for Permanence of Paper
for Printed Library Materials Z39.48-1984.

10 9 8 7 6 5 4 3 2 1

Contents

<i>Preface</i>	vii
1 Immigration and Foreign Policy: General Considerations, <i>Robert W. Tucker</i>	1
2 New Rules of the Game, <i>Nathan Glazer</i>	15
3 The Nineteenth-Century Immigration, <i>Oscar Handlin</i>	26
Part One	
The Interwar Period	
4 Immigration in the Interwar Period, <i>Charles B. Keely</i>	43
5 Immigration and U.S. Foreign Policy: The Interwar Period, <i>Manfred Jonas</i>	57
Part Two	
The Postwar Refugees, 1945-1965	
6 U.S. Refugee Policies and Refugee Migration Since World War II, <i>Ellen Percy Kraly</i>	73
7 The Roots of U.S. Refugee Policy, <i>Aristide R. Zolberg</i>	99
Part Three	
The Latin Immigration	
8 Immigration and U.S. Foreign Policy in Latin America and the Caribbean, <i>Robert L. Bach</i>	123
9 Immigration as Foreign Policy in U.S.-Latin American Relations, <i>Jorge I. Domínguez</i>	150

Immigration as Foreign Policy in U.S.-Latin American Relations

Jorge I. Domínguez

Since the early years in their histories as independent nations, the United States and its southern near-neighbors have been linked through their foreign policies and the movements of their peoples. In the nineteenth century, the acquisition of the Floridas and the conquest of northern Mexico by the United States led to substantial movements of people. Later in the same century, the U.S. conquest of the remnants of Spain's American empire contributed to the hispanization of parts of the population of the United States.

In the twentieth century, U.S. immigration policy turned generally restrictionist. Foreign policy concerns, however, led the government to permit and even, for a time, to stimulate Mexican migration to the United States. Consistent with its policies toward the Soviet bloc, the U.S. government also stimulated migration from Cuba for a certain period. These U.S. policies have been supplemented by those determined and ingenious people who, drawn by the promise of the words inscribed on the Statue of Liberty, have entered the United States illegally. As a result, the United States is already the fifth largest Spanish-speaking country in the world.

These facts suggest three levels of analysis on the relationship between immigration and foreign policy. First, one may focus on the consequences for migration relations of those U.S. foreign policies that are only indirectly related to migration and result from such events as territorial conquest or cold war. On another level, one may observe the weight of intersocietal forces. In its sovereign majesty, the U.S. government may enact laws to regulate migration flows, but in practice, the pulls and pushes within the societies of the Americas provoke the legal and especially the illegal movements of peoples. These flows, in turn, may have an impact on foreign policy. As Robert Bach demonstrates in his chapter, the most important of these flows has been from Mexico, followed by that from the Caribbean islands and, more recently, by that from Central America. South American migrants (except Colombians) have come in much smaller numbers.

The U.S. government has at times used its immigration policy as an instrument to achieve certain foreign policy ends; at other times it has sacrificed foreign policy ends in response to domestic pressures to control immigration. Increasingly, however, it has inserted immigration questions into its broader foreign policy agenda. It is this dynamic relationship between immigration as a tool of U.S. foreign policy, on the one hand, and as a goal of U.S. foreign policy, on the other, that forms the third level of analysis and that is the focus of this chapter.

The link between immigration and foreign policy becomes apparent under crisis conditions. Some crises (World War II, the cold war, upheaval in Central America) emerged mainly in the non-immigration sphere of U.S.-Latin American relations, though they included an immigration component. Other crises in U.S.-Latin American relations (Cuban/Haitian entrants in 1980) originated in the immigration realm. Despite these differences, these crises have had the same effect on U.S. policymaking, moving the discussion of immigration issues from the area of questions of intersocietal change onto the broader agenda of U.S. foreign policy concerns. Until the 1980s, the U.S. government managed all such crises in the same way, adopting temporary migration-promoting policies. Whenever the United States subsequently sought to return to more restrictionist immigration policies, it failed. The flows, once established, simply became illegal. And until the 1980s, the U.S. government followed only those normal policy measures authorized in its immigration laws to deter the illegal flows.

The early 1980s, however, were a watershed: For the first time, the U.S. government accorded such high priority to the deterrence of certain immigration from its southern neighbors that it was prepared to sacrifice some humanitarian values and other significant foreign policy instruments and goals to achieve these ends. I will examine some of the crises that have led to the now more explicit connection between U.S. immigration and foreign policies.¹

Immigration as a Foreign Policy Tool

Immigration and Mobilization for War

In 1942, the U.S. government asked the government of Mexico to formalize the longstanding practice of Mexican migrant workers coming to work temporarily in the United States, which had first been authorized under the Immigration and Nationality Act of 1917. Indeed, the United States sought to promote this migration. As the secretary of state instructed the U.S. ambassador to Mexico, "You should mention that this Government is reluctant to make such a request and state that it does so only because of the absolute need as a war measure."² In order to mobilize fully for war in Europe and East Asia, the United States was forced to use immigration as a foreign policy instrument. As a result of an agreement signed in August 1942, Mexican workers would henceforth enter the United States under the auspices of an intergovernmental accord.

The crisis conditions brought on by world war weakened U.S. leverage over Mexico. The Department of State had instructed the U.S. ambassador to Mexico to tell the Mexican foreign minister that "this Government is aware of the unfortunate conditions which many Mexican workers have encountered in the past and is disposed to make every possible effort to prevent a repetition of those conditions." The Mexican Foreign Ministry saw an opening and took it. During the negotiations leading up to the agreement, the ministry emphasized that "Mexican labor had gone to the United States before and the results had not been good." Recalling how difficult U.S.-Mexican relations had been in previous years as the two governments sorted out the consequences of the Mexican Revolution, the ministry noted that it "would be undesirable when our relations were on such a good basis that any element should be injected into these relationships which would bring about a renewal of any former situations." Nonetheless, "the Mexican Government was giving this matter its serious consideration because we were allies in the war."³

The so-called *bracero* agreement facilitated the uninterrupted, demand-based importation of temporary Mexican labor, while providing important guarantees to that labor.⁴ The "employer" was the U.S. government, which subcontracted with individual private employers. The Mexican government acquired the right to supervise relations in the United States between its citizens and their employers and the U.S. government was pledged to guarantee contract compliance with regard to wages, unemployment compensation, two-way free transportation, housing conditions, and safety, as well as nondiscriminatory treatment for Mexicans—guarantees that the U.S. government did not yet give to its own citizens. When the war ended, these features lapsed. Temporary Mexican workers continued to enter the United States but without an intergovernmental agreement requiring the U.S. government to guarantee contract performance. Deeply interested in such government sponsorship, the Mexican government again bargained effectively during the Korean War to insert these provisions into the 1951 *bracero* agreement.

The *bracero* program had a controversial history until its demise in 1964. One constant was the Mexican government's interest in maintaining the agreement as a source of jobs for Mexicans as well as a source of remittances for the families of Mexicans working in the United States. The agreement also provided some means to reduce discrimination against Mexican citizens in the United States. Mexico's leverage with regard to the agreement was strongest in wartime, weakening thereafter. For a decade after the *bracero* agreement ended, the Mexican government reiterated its interest in reestablishing it, to no avail.

Nonetheless, there had always been opposition in Mexico to the *bracero* agreement on the grounds that it was humiliating for Mexico: Its citizens were treated as if they were international commodities; they often worked in menial jobs in the United States; and they were, despite the agreement's guarantees, the object of discrimination and occasional abuse. The *bracero*

agreement was criticized for making Mexicans subservient to U.S. interests and as a distasteful example of Mexico's dependence on the United States. In practice, U.S. employers set the terms that *braceros* had to accept and it was said that Mexico was selling its soul for a mess of pottage. As time passed, this view became more widespread in Mexico. Committed to a reassertion of Mexico's nationalism and independence and to breaking U.S. hegemony over Mexico, the administration of President Luis Echeverría (1970-1976) was the first to show no interest in reestablishing a migration agreement.⁵

The *bracero* agreement had made it easier for Mexicans to enter the United States, and for many to overstay. Its end meant that Mexicans would have to enter the United States illegally to continue to find the economic opportunities that for generations they had pursued and that U.S. employers had been eager to supply.⁶

Immigration, Ideology, and the Cold War

"I want you to make concrete my concern and sympathy for those who have been forced from their homes in Cuba." President John F. Kennedy instructed the U.S. secretary for health, education, and welfare, within a week of his inauguration, to launch a major program to help Cubans newly arrived in the United States "and to assure them that we shall seek to expedite their voluntary return as soon as conditions facilitate that." A few months later, Kennedy informed the Soviet government of the rationale for his policy toward immigration from Cuba: "For months there has been evidence and growing resistance to the Castro dictatorship. More than 100,000 refugees have recently fled Cuba into neighboring countries. Their urgent hope is naturally to assist their fellow Cubans in their struggle for freedom."⁷

Thus President Kennedy summarized the ideological and strategic bases for the link between U.S. foreign policy and its immigration policy toward Cuba. On the one hand, immigration from Cuba reaffirmed the moral worth of the United States as a country willing to receive those yearning for freedom. Just as important, the Cubans were seen as "refugees from communism." The emigration called attention to the failings of the Cuban regime—Cubans were "voting with their feet" in favor of the political system in the United States over the one recently installed in their homeland. Immigration was a tool in the ideological cold war with Cuba.

On the other hand, the U.S. government sought to overthrow the Castro government. The concentration of many Cuban exiles in the United States was a tool with which to accomplish this strategic end. Organized in an invasion force, the exiles would attempt to overthrow the Cuban government. If the invasion was successful, Cuban exiles would be able to return home and the Cuban inflow would be only a temporary problem. To further both its ideological and strategic goals, the U.S. government adopted a Cuban migration-promoting policy.

As it had been with the *braceros*, so it was with the Cubans: Through the Cuban Refugee Program, the U.S. government provided services to Cuban migrants well above what was available then to U.S. citizens and residents or to other migrants to the United States. The application of immigration law to the Cuban case in the early 1960s was also exceptional, even though no more than half of the Cubans who entered in the early 1960s could be considered refugees—those who faced “persecution or a well-founded fear of persecution.”⁸ Cubans who entered on nonimmigrant visas and overstayed were granted “involuntary indefinite departure” status. After the United States broke diplomatic relations with Cuba, the U.S. government issued visa “waivers” for Cubans through Pan American and KLM airlines; Cubans were placed on indefinite “parole” six months after arrival.⁹ These policies stimulated Cuban immigration.

By the mid-1960s, the exiles had proved incapable of overthrowing the Cuban government. But the use of immigration to serve the ideological ends of U.S. policy did not abate. In the fall of 1965, the Cuban government announced that it would allow Cuban Americans to come from the United States to Camarioca Harbor to pick up their relatives; it challenged the United States to decide whether it was really open to immigration from a communist country. The construction of socialism, Castro argued, is a voluntary act; those who wished to leave Cuba could do so. To that ideological challenge, the U.S. government gave an ideological response.

On 3 October, at the signing of the new immigration act at the Statue of Liberty, President Lyndon Johnson referred to the traditions of liberty demonstrated both in U.S. immigration policy and in the unfolding U.S. combat presence in Vietnam. Then he said: “I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it. The dedication of America to our traditions as an asylum for the oppressed is going to be upheld.” The president set no limit on the new Cuban migration. Instead, he called attention to the “mark of failure on a regime” evident “. . . when many of its citizens voluntarily choose to leave the land of their birth for a more hopeful home in America. The future holds little hope for any government where the present holds no hope for the people. And so we Americans will welcome these Cuban people.”¹⁰

The Cubans kept coming until resistance developed in the U.S. Congress to the continued and unlimited acceptance of them as refugees rather than as normal immigrants. On 4 June 1970, the appropriations bill for the Cuban Refugee Program survived by a margin of only 5 votes in the House of Representatives. Fortunately for the preservation of the ideological ends of U.S. policy, Fidel Castro had second thoughts, too; in August 1971, his government gave notice of termination of the migration agreement that the United States and Cuba had signed in the fall of 1965.

In April 1980, the Carter administration’s initial response to Cuba’s decision to open Mariel Harbor to those who wished to come to pick up would-be emigrants was also ideological. On 5 May, President Jimmy Carter announced that “we’ll continue to provide an open heart and open arms to refugees

seeking freedom from Communist domination and from economic deprivation, brought about primarily by Fidel Castro and his government.” Carter assured his fellow citizens that “we are the most generous nation on Earth in receiving refugees and I feel very deeply that this commitment should be maintained. Ours is a country of refugees.” To say that his ends were ideological is not to belittle them. Jimmy Carter is the best witness to the sincerity with which some policymakers hold such beliefs. Later, reflecting on his reelection defeat, Carter said: “The refugee question has hurt us badly. It wasn’t just in Florida, but it was throughout the country. It was a burning issue. It made us look impotent when we received these refugees from Cuba.” But even then he said, “I don’t see anything we could have done differently or better.”¹¹ Carter’s Cuban migration-accepting policy was in part responsible for his loss of the presidency. Opinion polls have long shown that the public does not want so many immigrants.¹² Carter accepted the Cubans because he thought it was right. Accepting them affirmed ideological beliefs that were significant to him on the moral worth of the United States and the moral bankruptcy of the Cuban government.

Immigration as a Foreign Policy Goal

“Mere” immigration crises had occurred at various times in the history of the relations between the United States and its southern neighbors without provoking major foreign policy crises as well. The U.S. government induced the “voluntary” repatriation of over 300,000 Mexicans between 1930 and 1933, thereby aggravating Mexico’s employment problems in the midst of the Great Depression. The results did not endear the U.S. government to Mexicans, but neither did it provoke major problems. On 17 June 1954, the U.S. government launched Operation Wetback, seizing and deporting hundreds of thousands of Mexicans in a period of months. The Mexican authorities at the border cooperated with this effort. Again, though this was a difficult moment in U.S.-Mexican relations, there were no wider foreign policy consequences.¹³

In recent years, the connection between immigration crises and other U.S. policies toward its southern near-neighbors has become stronger. The turning point occurred in April 1980, when the Cuban government not only opened Mariel Harbor but took the additional step of requiring many of the ships that came to Mariel to ferry common prisoners from Cuban jails to the United States. According to a major scholarly survey conducted in the United States, 12 percent of the immigrants from Mariel admitted to having been imprisoned in Cuba for common crimes; two-thirds said they had never been in jail at all. However, according to a larger survey conducted by Cuban scholars in Cuba using the Mariel emigration records, about 27 percent of the emigrants had been convicted of crimes recognized as “common” in any society; 55 percent had never been in jail. (Cuba is more likely to classify crimes as common, rather than political; immigrants to the United States are less likely to admit to a history of common crime.) I

calculate that about 8,000 common criminals came directly from Cuban prisons to the United States through Mariel Harbor.¹⁴

Days before Mariel Harbor opened, a new refugee act had gone into effect. The act, in repealing the provision that had accorded automatic refugee status to people immigrating from communist countries, made the handling of the Mariel crisis more difficult. The U.S. coordinator for refugees testified before Congress that many of these Cubans would not qualify for admission as refugees under the new standards, which required applicants to prove a well-founded fear of persecution. Moreover, the new act required case-by-case decisions in refugee admissions; it did not contemplate group parole. The act was based on the premise that the United States would not be a country of "first asylum."¹⁵ Refugees were supposed to flow into other countries where they could be screened individually by U.S. authorities before being admitted to the United States (a baffling assumption, considering the previous experience with migration from Cuba). Mariel Cubans came all at once, directly onto U.S. shores.

The circumstances of the Mariel episode made it a serious foreign policy issue, not just an inconvenience for bureaucrats. A foreign leader had set aside U.S. immigration policies in order to export discontent. Coincidentally, a few thousand Haitians had also entered the United States illegally, mostly by boat. Haitians had a long history of immigration to the United States, though a new phase of this history had begun around 1972. The question of equity in treatment for the Haitians suddenly became linked with the Mariel emigration: Why should Cubans be treated any better than Haitians if all were fleeing from dictatorships, as well as from economic hardship?¹⁶

The U.S. government could have said that those fleeing from Cuba and Haiti had no well-founded fear of persecution and, as a result, were not eligible for refugee status. However, the government was not yet ready to drop the assumption that the Cuban regime was by its very nature a source of refugees, even though it was not easy to distinguish between the Cubans and the Haitians under the new refugee act. Alternatively, all could have been treated as refugees. But if Haitians qualified as refugees, so, too, might most Latin Americans, who, in 1980, were still living under dictatorships. Because the 1980 act provided fairly generous support for refugees, there could be a migratory stampede as soon as the word got out.

Therefore, the decision was made to deny the Cubans and the Haitians status as refugees and to create a new immigration category of Cuban/Haitian "entrant (status pending)." These entrants could remain in the United States and be eligible for certain—though fewer—of the benefits accorded to refugees or to those granted political asylum. The Department of State had opposed granting group parole to the Haitians and the Cubans or classifying them as refugees, in order not to give others an "invitation to rush our shores."¹⁷

These decisions addressed only a part of the foreign policy problem, however. The Cuban and Haitian immigration crises of 1980 occurred in the aftermath of the arrival of the boat people from Vietnam and Cambodia

and contributed to the general fear that a human tidal wave of illegal aliens was about to sweep the country. For the United States to take charge of its boundaries, immigration policy had to rise to the top of the foreign policy agenda with regard to its neighbors, even if this required the sacrifice of other U.S. policy goals. The new policy was restrictionist; it denied liberal immigration values. The U.S. government would ask authoritarian regimes to keep their people inside their borders. The Carter administration initiated the policy by asking Cuba to close Mariel Harbor to emigration. The Reagan administration refined the policy in the cases of Haiti, Cuba, and all the Central American countries.

Immigration and the Hegemonic Bargain

In 1981, immigration was at the top of the U.S. agenda in developing policy toward Haiti. The U.S. government was determined to stop the flow of Haitians into the United States even if this required the use of coercion. But it considered President Jean-Claude Duvalier's government to be an ally and did not wish to undermine it. The United States elicited the consent of the Haitian government to stop the migratory flow in exchange for an increase in its general economic support for the Duvalier government.

This combination of coercion, consent, and side payments is the essence of hegemonic relations. The stronger power in an asymmetric relationship prevails once it chooses to emphasize one issue above all others. However, unlike relations based solely on the threat of the use of force, hegemonic relationships are based on an element of explicit consent by the client and entail some gains for the client. The U.S.-Haitian relationship in the 1980s has been similar in structure to hegemonic relationships that the United States has established with other clients. What was unique to the relationship with Haiti was the centrality accorded to migration issues.

In 1981, Assistant Secretary of State Thomas Enders characterized the Duvalier government as "friendly" toward the United States, "interested in enforcing its laws and respectful of the laws of its neighbors"—an odd way to describe a repressive kleptocratic regime. The government of Haiti had given assurances "of its intention to cooperate with the United States . . . in joint efforts to halt the flow."¹⁸ On 23 September, the United States and Haiti agreed "to stop the clandestine migration of numerous residents of Haiti to the United States" through a "cooperative program of interdiction and selective return." Haiti accorded the United States the right to board Haitian flag vessels and examine the ship's documents and those of its passengers. When U.S. authorities, at their discretion, determine that illegal aliens are on board, "Haiti consents to the detention on the high seas by the U.S. Coast Guard of the vessels and persons found on board" and will permit their return to Haiti. Haiti further agreed to "prosecute illegal traffickers of Haitian migrants . . . and to confiscate Haitian vessels" engaged in that traffic, as well as to let the United States decide whether some Haitians qualified as refugees.¹⁹

In this agreement, Haiti received only minor concessions. It would be notified when its flag vessels were detained on the high seas and of their return to Haiti prior to their arrival, and a representative of the Haitian navy would be present "as liaison aboard" U.S. Coast Guard cutters engaged in the interception program. Therefore, one must look beyond the agreement to find Haiti's gains. Assistant Secretary of State Enders had noted that Haiti could not alone prevent the departure of its citizens to the United States. In addition to the interdiction program, Enders told Congress, "the economic and security assistance requests for fiscal year 1982 will be essential to enable the Haitian Government to deal with a severely strained economy."²⁰ The Haitian government had been bought.

The Duvalier government cooperated fully with the United States. It "permitted the Coast Guard to repatriate to Haiti all migrants interdicted on the high seas." U.S. authorities reported to Congress that there had "not been a single credible claim of either political motivation or harassment after return." Instead, the U.S. authorities had found a "uniformly economic motivation of migrants interdicted during the time" of the Duvalier regime. In the very same report to Congress, however, it was stated that the Duvalier government had taken such "serious repressive actions" against its citizens that the United States had interrupted its economic assistance to Haiti for several months. After Duvalier's overthrow, the new government of Haiti continued to cooperate with the United States on the interdiction policy and thus to receive U.S. aid. By early 1986, the U.S. Coast Guard had interdicted 6,245 Haitians and returned them to Haiti.²¹ The hegemonic relationship served the immigration goals to which the U.S. government had given priority in its policy toward Haiti: Arrivals from Haiti dropped substantially.

Immigration, Deterrence, and a "Pact with the Devil"

The deterrence of illegal immigration is more complex than normal deterrence in foreign policy, which is ordinarily aimed at a particular government to ensure that it will not engage in undesirable behavior. To deter illegal migration, however, it is also necessary to deter individuals who are acting on their own. In the case of Haiti, the interdiction policy sought to deter individual behavior.

The success of the policy toward Haiti cannot be attributed to the interdiction program alone, however. In October 1981, a few days after the U.S.-Haitian migrant interdiction agreement was announced, a storm battered a small vessel on the high seas and the bodies of 33 Haitians washed ashore. Twenty-two Haitians met the same fate in March 1982; the Immigration and Naturalization Service (INS) took into detention 5 of the 6 survivors of the March sinking.²² Death on the high seas, along with the change in U.S. policy, deterred the Haitian flow.

The emergence of immigration as an issue at the center of the U.S. foreign policy agenda is also evident in U.S.-Cuban relations. Because the policy option of working out a hegemonic bargain was unavailable in this case,

greater reliance on deterrence was required. Although many Reagan administration officials believed that Cubans fled because their government was repressive, this fact would no longer determine U.S. immigration policy. In July 1981, Assistant Secretary of State Enders confirmed that it was U.S. policy to interdict on the high seas boats carrying Cubans and turn them back to Cuba. Thus, this most anticommunist of administrations was the first to determine that those fleeing Cuba were not "refugees." Its interdiction policy sought to deter Cubans from coming to the United States.

The Reagan administration at first used its immigration policy toward Cuba as an instrument of foreign policy, though in the opposite manner from the past. Since 1960, the U.S. immigration-accepting policy toward Cuba had served ideological ends in foreign policy; now an immigration-rejecting policy toward Cuba would serve strategic ends. In May 1984, Deputy Assistant Secretary of State of Inter-American Affairs James Michel affirmed that the Cuban government used emigration as "an outlet . . . to relieve social strains within Cuba," sending out those "less supportive" of the regime. Thus it was argued that blocking immigration from Cuba would create problems for the Cuban government. The State Department ceased processing immigrant visa applications from Cuba. While the U.S. government expected Cuba to behave according to its wishes, it considered the Cuban government to be so distasteful that it would not negotiate with Cuba over any subject.

If Michel's assessment was correct, however, the Cuban government had every reason to continue to expel its unhappy citizens. Because the U.S. immigration-rejecting policy did not give Cuba legal migration options, it was likely to force the Cuban government to take up the Mariel option again. Gradually, other goals and means became dominant in the thinking of U.S. policymakers: to get Cuba to take back several thousand Cubans who had come in 1980 but had been found excludable from the United States under the immigration law and to deter a "second Mariel." To accomplish these ends, U.S. policy changed. In 1984, the United States opened negotiations with Cuba to reach an agreement to permit legal immigration from Cuba, even though the U.S. government recognized that the Cuban government was strengthened when it could export its opposition. To pressure the Cuban government, the U.S. government continued to employ the tactic of holding would-be migrants hostage to high-stakes politics.²³

As in the case of Haiti in 1981, so it was with Cuba in 1984: The Reagan administration would sacrifice ideological and some human rights goals for the sake of asserting its control over U.S. borders. The Cuban case posed the issue more sharply because the administration would have to sacrifice its strategic goal of weakening the Cuban government. Immigration policy toward Cuba would not be just an instrument of foreign policy. Never before had the centrality of immigration as a foreign policy goal been so clear.

In December, the United States and Cuba signed a migration agreement. Cuba would take back 2,746 persons the United States had found to be

excludable. The United States would resume issuing up to 20,000 preference immigrant visas to Cubans each year and would accept former Cuban political prisoners and their families. Only the political prisoners and their families would be treated as refugees; all other immigrants from Cuba in the future would be treated the same as those from any other country. They would neither be entitled to the support resources of the Refugee Act nor to those more modest resources available to the 1980 entrants. The economic disincentives to migration had thus been strengthened. The agreement specifically sought the "normalization" of migration relations. Moreover, it did not provide any formal protection for the human rights of the returnees (in contrast with the 1981 agreement with Haiti, which did). The Reagan administration opposed motions in federal court to entitle some of the Cubans about to be sent back to apply for permission to remain in the United States; the administration's witnesses testified that Cuba would respect the human rights of the returnees.²⁴

The U.S.-Cuban migration agreement served the goals of immigration deterrence by ensuring the integrity and consistency of U.S. immigration policy as redefined by the Refugee Act of 1980. Cubans claiming refugee status would have to prove their eligibility on an individual basis. The fact that the Cuban government was communist would no longer suffice as evidence. The policy of immigration deterrence also required respect for the professional autonomy and judgment of U.S. immigration officers, who would make case-by-case decisions on eligibility for refugee status.

Because the U.S.-Cuban migration agreement was suspended by Cuba in May 1985 (in protest against the establishment of the U.S. Radio Martí Program) and was reinstated only in November 1987 (when Cuba dropped its objection to a station it considered ineffectual), the effectiveness of these policies has yet to be fully tested with regard to Cubans. The human and ideological impact of the agreement, however, was dramatized by the outbreak of major riots among Cubans held in U.S. immigration prisons within hours of the announcement of the reinstatement of the agreement.

The concept of immigration deterrence through policy consistency and professional autonomy was routinely tested, instead, in U.S. relations with Central American countries, especially with Sandinista Nicaragua. In the 1980s, a key objective of U.S. policy has been to deter immigration from all Central American countries. As it was with Duvalier's Haiti, so it has been with Central America: Migrants fleeing from a country ruled by a "friendly" government are not judged to be refugees. The object of this policy is not only to deter immigration but also to prevent the delegitimation of Central American regimes friendly to the United States. As a result, most immigrants from El Salvador and Guatemala have neither been accepted as refugees nor granted petitions for asylum.

Most remarkable, however, has been the policy toward Nicaragua.²⁵ By and large, since 1981, those seeking to leave Nicaragua have not received preferential treatment from the U.S. government. The lack of preference for Nicaraguans has made it easier for the U.S. government to deny entry to

all other Central Americans, thereby serving general immigration-deterrent purposes. Had U.S. immigration policy toward Nicaragua been developed as an instrument of foreign policy (as it had been toward Cuba twenty years earlier), the United States would have adopted a Nicaraguan immigration-accepting policy in order to delegitimize the Sandinista government and build up an exile movement to overthrow it. Such an immigration policy should have been evident since late 1981, when the U.S. government began to support those seeking to overthrow the Nicaraguan government (the *contras*). Instead, the issuing of immigrant visas to Nicaraguans does not differ from the same processes elsewhere in Central America. Moreover, fewer nonimmigrant visas were granted to Nicaraguans in 1983 and 1984 than in 1982, while the rate of rejection of Nicaraguan nonimmigrant visa applications nearly doubled from 1981 to 1984, when it reached 41 percent—the highest rejection rate for such visas in Central America. In this case, the professional integrity of visa officers prevailed: Foreign policy considerations are not supposed to enter into decisions with regard to these visa applications, and they did not.

The sacrifice of other U.S. foreign policy objectives with regard to Nicaragua for the sake of an immigration-deterrent policy is evident even in that area of U.S. immigration policy—conferring refugee status—where the law permits and requires a consideration of foreign policy as a factor in the decision to grant entry. No Nicaraguan was accepted as a refugee through 1984 and no administration proposals for refugee admissions from Latin America through fiscal year 1989 envisaged the reception of refugees from Nicaragua.²⁶ Nicaraguans have not been designated as a "national group" eligible for case-by-case consideration for refugee treatment.

The policy on asylum petitions is slightly different. From 1979 to 1982, a majority of the small number of Nicaraguan asylum petitions to the United States were granted. This may have resulted from a Carter administration decision to accept petitions from former Somoza regime associates as one way to induce Somoza to give up power. The intensification of the contra war coincided with the end of, but did not substitute for, that earlier rationale. From 1983 through 1985, about 90 percent of asylum petitions by Nicaraguans were denied. The policy changed in 1986, when, on the grounds that the Nicaraguan government was communist, the Miami district director for the INS stopped proceedings that might have led to the deportation of Nicaraguans. In July 1987, the Department of Justice approved this as a general policy (35 percent of Nicaraguan asylum petitions were granted in 1987 and 68 percent were approved in 1988).²⁷

To be sure, the contra army was based mainly in Honduras so that, unlike the earlier case of Cuba, U.S. support for the contra war did not require the concentration of Nicaraguan exiles in the United States. Nonetheless, U.S. immigration policy toward Nicaragua helped lend credence to the Sandinista government's claim that those who chose to oppose it peacefully had no well-grounded fear of persecution. Notwithstanding Reagan administration rhetoric, U.S. immigration policy rested on the premise that Nic-

aragua's regime was not repressive. The U.S. government preferred to deter immigration from Nicaragua even at a cost to its ideological, political, and human rights goals.

Subverting U.S. Immigration and Foreign Policies

Fortunately for those who have wished to immigrate to the United States, many social, economic, and political factors in the United States have helped them to subvert U.S. laws and regulations. Most important quantitatively has been the U.S. economic demand for migrant labor, especially from Mexico in the Southwest. Second in significance has been the willingness of many Cuban Americans to flout U.S. policy and law, first in 1965 and then again in 1980, to travel to Cuba to pick up relatives, friends, and even those placed on their ships by the Cuban government in order to bring them to the United States.

Subversive efforts are also undertaken by agents of the U.S. government. In 1986 and 1987, the U.S. Coast Guard failed to interdict several boats carrying dozens of Cubans who crossed the Straits of Florida and arrived illegally on U.S. shores. The coast guard's time-honored organizational mission has been to "search and rescue" those in distress at sea; that had been the coast guard's response to the Cuban boat lifts of 1965 and 1980—until it was ordered in 1980 to begin a policy of partial interdiction. The coast guard's reversion to this organizationally preferred policy violated the interdiction policy in effect since 1981.

A similar subversion of U.S. immigration and other foreign policies was the decision of the Miami district director of the INS to treat the Nicaraguans differently from other Central Americans, even though he had no authority for doing so. Because the policy on granting visas to Nicaraguans has not changed, and because Nicaragua has not been designated as a country from which refugees are to be accepted, the only way for Nicaraguans who wish to immigrate to the United States to do so is to take advantage of the new U.S. policy on asylum by entering the United States illegally and then petitioning for asylum. As more such asylum petitions are granted, the greater the pressure on the U.S. government becomes to do the same for Salvadorans or Guatemalans. Easing the entry of Nicaraguans into the United States through asylum petitions or by other means may be counterproductive in terms of some U.S. foreign policy goals. Among those who may be tempted to emigrate are lukewarm contra soldiers in Honduras who may wish to give up the fight, as well as some who oppose the Nicaraguan government inside Nicaragua. In short, a U.S. immigration-accepting policy may allow the Nicaraguan government to export a part of its internal opposition and weaken the contra army.

U.S. immigration and other foreign policies were also subverted by the Reagan administration's inability to understand that Cuba agreed to the December 1984 migration agreement because it expected that more than migration would be "normalized" between the two governments. When

Radio Martí went on the air on 20 May 1985, Cuba suspended the migration agreement. The future implementation of the migration agreement, reinstated in November 1987, will depend on policies that demonstrate "good faith" toward Cuba on the part of the United States. The Radio Martí episode is noteworthy for two other reasons. First, the more successful Radio Martí is in portraying life in Cuba as bad and life in the United States as good, the greater will be the pressures for migration to the United States. Radio Martí is therefore inherently subversive of U.S. migration policy toward Cuba. Second, Radio Martí's existence is a tribute to the effective lobbying of Cuban Americans, especially as organized through the Cuban-American National Foundation. Cuban Americans are the only Latin American migrants who have had some success in affecting U.S. policy toward their homeland.²⁸

Another example of an attempt to subvert U.S. immigration law was Salvadoran President José Napoleón Duarte's formal request to the U.S. government, in April 1987, that Salvadorans illegally in the United States be granted "extended voluntary departure" status and not be sent back to El Salvador. Although Duarte argued that "the improved human rights situation does not justify the granting of political asylum by the United States to Salvadoran illegals," he also argued that migrants' remittances—in amounts possibly exceeding total U.S. aid to El Salvador—mattered greatly to the Salvadoran economy. The Reagan administration rejected that request but, in August 1988, President Duarte reiterated his appeal, seeking support in the U.S. Congress as well. This time Duarte also argued that the "Marxist forces" in El Salvador would "stir discontent" among those forced to return.²⁹

The last and most important subversive effort lies in the future. Whereas in the examples given above, both immigration and other foreign policies were simultaneously subverted, in the case of U.S.-Mexican relations, foreign policy may subvert immigration policy.

Since about 1974, it has been Mexican policy to ask the U.S. government not to make unilateral decisions with regard to migration. But Mexico has been unwilling to enter into a bilateral migration agreement or to take unilateral steps to stem the migration flow. The only identifiable Mexican policy has been to instruct its consuls in U.S. cities to be on guard concerning possible abuses against Mexican citizens.³⁰ Illegal migration has a double advantage for Mexico. First, migrants come to the United States and reap certain economic benefits for themselves and for Mexico. Second, the Mexican government is not placed in the uncomfortable position of bowing to U.S. pressures. Mexico derives the fruits of hegemonic relations with the United States but Mexico does not have to acknowledge this. Moreover, because Mexico has been in the legally and politically weaker position with regard to migration, it has had nothing but concessions to make if it were to negotiate formally. The maintenance of Mexico's bargaining position is enhanced by avoiding linking the migration question to any other question. The absence of a crisis related to migration issues in U.S.-Mexican relations has deprived Mexico of the leverage it had during World War II and the Korean War. The implementation of the U.S. Immigration Act of 1986 may, however, provoke a crisis of a different sort.

Since 1981, Mexico has faced a difficult and, at times, disastrous economic situation. Though much of the responsibility for this lies with Mexico, three external shocks (the rise in interest rates beginning in 1979, the major earthquake of late 1985, and the oil price drop of 1986) account for much of the problem. Will the next external shock be the closing off of the U.S. labor market for future Mexican migrants, along with a new Operation Wetback to deport hundreds of thousands of Mexicans? Will the United States implement its immigration law even at the cost of the internal destabilization of Mexico?³¹ Or will other foreign policy goals with regard to Mexico weaken, in effect, the implementation of U.S. immigration policy? A unilateral policy on immigration on the part of the United States might increase the incentives for Mexico to negotiate (in the realization that some migration is better than none), but the only realistic response to the problem posed by Mexico's difficult internal situation is for the president of the United States quietly to subvert the Immigration Act.

All of these cases suggest that a turning point may be at hand in the evolving relationship between foreign policy and immigration policy. The clear and consistent priority that immigration deterrence acquired in the context of U.S. foreign policy toward several of the country's southern near-neighbors in the 1980s may be coming to an end. The U.S.-Haitian hegemonic relationship with regard to migration is the only one that remains stable. In the case of U.S.-Cuban relations, the choice for the United States is whether to accept some Cubans legally every year or many Cubans illegally in periodic bursts. With regard to Central America, human rights goals may regain prominence in the thinking of policymakers. With regard to Mexico, immigration deterrence may give way to other foreign policy goals. It is most likely that the United States will adopt immigration-accepting policies toward Mexico, Cuba, El Salvador, and Nicaragua. The result of such a change in policy is the likely consolidation of the sending countries' regimes. The future looks much like the past.

Notes

1. Much of my thinking on the general subject of this paper has been shaped by discussions with fellow members of the project "Immigration Policy and U.S. Foreign Relations with Latin America," directed by Christopher Mitchell, New York University, and funded by the Ford Foundation. Other members are Lars Schoultz, Alex Stepick, and Carlos Rico. For related analyses, see Robert A. Pastor, "U.S. Immigration Policy and Latin America," *Latin American Research Review* 19, no. 3 (1984): 35-56; and Michael S. Teitelbaum, *Latin Migration North* (New York: Council on Foreign Relations, 1985).

2. Department of State, *Foreign Relations of the United States*, 1942, 6: 538.

3. *Ibid.*, 538, 541-542.

4. Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971).

5. On the wider context of this shift in Mexican foreign policy, see Mario Ojeda, *México: el surgimiento de una política exterior activa* (Mexico: Secretaría de Educación Pública, 1986).

6. Overview in Wayne A. Cornelius, "Mexican Migration to the United States," in Susan Kaufman-Purcell, ed., *Mexico-United States Relations* (New York: Academy of Political Science, 1981).

7. *Public Papers of the Presidents of the United States*, 1961 (Washington, D.C.: U.S. Government Printing Office, 1962), 17, 286.

8. Richard R. Fagen, Richard A. Brody, and Thomas J. O'Leary, *Cubans in Exile: Disaffection and the Revolution* (Palo Alto, Calif.: Stanford University Press, 1968), 4-5, 12, 90-93.

9. House Committee on the Judiciary, Subcommittee No. 1, "Study of Population and Immigration Problems: Inquiry into the Selection, Security, Screenings, Admission, Emergency Care, and Resettlement of Cuban Refugees in the United States," *Special Series*, no. 14 (1963): 4, 61, 73, 89.

10. *Public Papers of the Presidents of the United States: Lyndon B. Johnson*, 1965, 1039-1040.

11. *Public Papers of the Presidents of the United States: Jimmy Carter*, 1980, book 2: 834, 912, 916; and book 3: 2153, 2693.

12. See Milton D. Morris, *Immigration: The Beleaguered Bureaucracy* (Washington, D.C.: Brookings Institution, 1985), 23-27.

13. Josefina Vázquez and Lorenzo Meyer, *The United States and Mexico* (Chicago: University of Chicago Press, 1985), 141-142; Craig, *Bracero Program*, 128-129.

14. Alejandro Portes, Juan Clark, and Robert Manning, "After Mariel: A Survey of the Resettlement Experiences of 1980 Cuban Refugees in Miami," *Cuban Studies* 15 (Summer 1985): 38-39; Rafael Hernández, "La política de los Estados Unidos hacia Cuba y la cuestión migratoria," *Cuadernos de Nuestra América* 2 (January-February 1985): 92-93; and communications with Rafael Hernández.

15. Department of State, *Bulletin* 80, no. 2041 (August 1980): 80.

16. Alex Stepick, "Haitian Boat People: A Study in the Conflicting Forces Shaping U.S. Immigration Policy," *Law and Contemporary Problems* 45 (Spring 1982): 163-196.

17. *Ibid.*, and Senate Committee on the Judiciary, "Caribbean Refugee Crisis: Cubans and Haitians," *Hearings*, 96-2 (1980): 43.

18. Department of State, *Bulletin* 81, no. 2055 (October 1981): 78.

19. United States, *Treaties and Other International Acts Series*, no. 10241.

20. Department of State, *Bulletin* 81, no. 2055 (October 1981): 78.

21. Department of State, Bureau of Public Affairs, "U.S. Assistance to Haiti," *Special Report*, no. 141 (February 1986): 1-3.

22. Stepick, "Haitian Boat People," 190-191.

23. House Committee on the Judiciary, Subcommittee on Immigration, Refugees, and International Law, "Cuban/Haitian Adjustment," *Hearings*, 98-2 (1984): 17, 32-33, 36-37.

24. "Government's Motion for a Stay of the Court's October 15, 1984 Order Pending Appeal," U.S. District Court for the Northern District of Georgia, Atlanta Division, 27 December 1984.

25. I am summarizing some findings of the excellent research in progress by Lars Schoultz, of the University of North Carolina, for the New York University project "Immigration Policy and U.S. Foreign Relations with Latin America."

26. Department of State, Bureau of Public Affairs, "Proposed Refugee Admissions for FY 1989," *Current Policy*, no. 1103: 4-5.

27. *Boston Globe*, 9 July 1987: 1, 26; *New York Times*, 11 September 1988: 9.

28. See the general discussion in Morris, *Immigration*, 27-33.

29. *New York Times*, 26 April 1987: 1, 14; *New York Times*, 11 September 1988: 9.

30. For a typical expression of Mexican policy, see Miguel de la Madrid, "Mexico: The New Challenges," *Foreign Affairs* 62 (Fall 1984): 69-70. For analysis, see María Rosa García Acevedo, "La 'recuperación del control de las fronteras' en Estados Unidos: implicaciones para México," in Olga Pellicer, ed., *La política exterior de México: desafíos en los ochenta* (Mexico: CIDE, 1983), 181-186.

31. For an assessment of the impact of U.S. immigration laws on Mexico, see Manuel García y Griego and Francisco Giner de los Ríos, "¿Es vulnerable la economía mexicana a la aplicación de políticas migratorias estadounidenses?" in Manuel García y Griego and Gustavo Vega, eds., *México-Estados Unidos* (Mexico: El Colegio de México, 1985).