

TESTIMONY OF

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U.S. DEPARTMENT OF JUSTICE

BEFORE THE

SENATE FOREIGN RELATIONS COMMITTEE

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS AND

NARCOTICS AFFAIRS

ON

U.S. - MEXICO RELATIONS

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2:30 P.M.

ROOM 419 DIRKSEN

Mr. Chairman, members of the Committee:

Thank you for this opportunity to address the topic of U.S.-Mexico relations. Mr. Chairman, since I started this job a little over 8 months ago, I have met with high-ranking officials from Mexico more than a dozen times, as is the case for many other policy makers in the Administration. This is a vibrant relationship that has reached new levels under the leadership of President Bush.

In February 2001, President Bush, along with Mexican President Vincente Fox, undertook in the declaration of Guanajuato to "work for the economic and social development of our border communities, fight violence and strive to create a safe and orderly environment." President Bush charged the Attorney General, the Secretary of State and, later, the Secretary of Labor to co-chair a High-Level Working Group on Migration with their Mexican counterparts. Since then we have had likely the frankest, most comprehensive, and most productive talks ever between our two countries on this important subject. The High-Level Working Group met several times last year during the spring and summer, making steady progress in these deliberations. Understanding the importance and industriousness of Mexican nationals whose contributions have helped fuel our economic prosperity over the past years, President Bush is looking to new ways to link willing workers with willing employers.

The terrorist attacks of September altered the priorities of the High-Level Working Group, placing border security issues at the top of our migration agenda. This is not to say that work has ceased on the other agenda issues. It has not. On November 20, the Department of State and the INS co-hosted a High-Level Working Group meeting at which both countries acknowledged the need to re-order priorities while continuing with our work. We agreed to examine ways to streamline and improve existing [temporary worker programs](#) under U.S. immigration law, taking a close look at the current procedures of the Department of Labor and the INS that administer these programs domestically and those of the Department of State at the consulates where visas are issued. These programs, known by their alphabetic visa classification designations, are the H-2 programs. The H-2A program is for temporary agricultural workers while the H-2B program is designed for other, non-agricultural workers. Currently, Mexican nationals receive more than 50% of the H-2 visas issued by the Department of State each year.

Similarly, we have pushed to create conditions for a safer border. We have a great interest in working together with the Mexican government to ensure that our common borders -- and border communities -- are safe and secure.

The [Border Safety Initiative](#), first started by INS and our Mexican counterparts in 1998, has expanded significantly in the past year and is truly a binational effort. Both governments recognize that protecting the border includes an obligation to protect lives, particularly those of people put in harm's way by smugglers, who view money, not people's lives, as their chief concern. Our commitment to fulfilling this obligation is unwavering, and it is shared by everyone, from the top officials in Washington and Mexico City to agents in the field. Presidents Bush and Fox demonstrated their commitment at their first meeting last February in Guanajuato, when they pledged to increase the amount of resources devoted to border safety.

Our border safety efforts have been enhanced through increased cooperative law enforcement efforts. Alien smugglers routinely expose migrants to risk by leading them into dangerous terrain and abandoning them when difficulties arise. The INS, through its district office in Mexico City, is working at an unprecedented level of cooperation with Mexican officials to dismantle smuggling operations and prosecute those who deal in human cargo.

Though current cooperative law enforcement efforts are extremely positive, much more can be done in this area. A key objective for the recent U.S.-Mexico meetings in March, held prior to President Bush's trip to Mexico, was, in fact, to enhance cooperation with Mexico by enabling the

United States to work with an established Mexican federal law enforcement presence across the border.

We also recognize that Mexico is a transit country for many long-distance migrants who seek to enter the United States and request asylum. As Mexico is signatory to the United Nations Convention on Refugees, the U.S. welcomes closer cooperation with Mexico on asylum issues. Together, the United States and Mexico must ensure that each migrant is afforded protection from persecution.

Following the events of September 11, there has been concerted effort to build a regime of security cooperation between the U.S. and its southern and northern neighbors. This involves not only protection for our respective populations, but also the free, cross-border flow of legitimate goods and travel that helps drive our shared prosperity.

We share a long border with Mexico and it is more than a line drawn on a map. It is a way of life for our populations residing in border communities. It is a gateway to expanded markets, tourism, and educational opportunities. Together the United States and Mexico can and will combine our efforts to avoid bottlenecks and congestion at legal crossings and discourage those who now choose to cross in dangerous areas. We must ensure a border that works.

President Bush's Trip to Monterrey

On March 22, Presidents Bush and Fox met in Monterrey, Mexico. On that trip, the two Presidents agreed to strengthen U.S.-Mexican cooperation by endorsing a series of specific actions intended to serve our common human, security, and economic interests in the years to come. These measures comprise important steps in the creation of a smart border for the 21st century -- one that embraces technology and enhanced bilateral cooperation to ensure humane, efficient, and modernized management of the border that joins our peoples and our economies. We have one of the world's most dynamic and successful trading relationships, as well as enormous bonds of family and culture. We are committed to persevering in the establishment of a border that serves and supports, in the most effective ways possible, this extraordinary relationship.

The action plan that our two nations have agreed advances three major goals: (1) creation of infrastructure that keeps pace with travel and commerce; (2) the secure flow of people; and (3) the secure flow of goods. Since March, we have met with our Mexican colleagues to develop the detailed plans to meet these goals and develop mechanisms to monitor progress. Allow me to describe these goals as they were agreed to by President Bush and President Fox:

1. Infrastructure that keeps pace with travel and commerce

- 1 We will conduct a joint survey of infrastructure along our common border to identify bottlenecks that impede the movement of goods and people.
- 2 We will develop integrated infrastructure investment plans to ensure that the economic competitiveness of the border region is not impaired as the volume of trade grows.
- 3 We will conduct security assessments of critical infrastructure including bridges, dams, and power generation and transmission facilities and take steps to protect them from terrorist attack.
- 4 We will upgrade the existing Border Group of the Binational Commission, and entrust it to carry out the necessary planning in our common border.

2. The secure flow of people

1 We will develop and implement systems at ports-of-entry to speed the flow of bona-fide travelers and, to that end, streamline and coordinate procedures at our common border.

2 We will cooperate to identify individuals who pose threats to our societies before they arrive in North America.

3 We will enhance our efforts to deter smuggling of third-country nationals.

4 We will work to establish a joint U.S.-Mexico Advanced Passenger Information exchange mechanism.

3. *The secure flow of goods*

1 We will implement a technology-sharing program to place non-intrusive inspection systems on cross-border rail lines and at high-volume ports-of-entry.

2 We will develop and implement systems to increase security at key points of the supply chain that links producers and consumers.

3 We will expand partnerships with the private sector to increase security of commercial shipments.

4 We will develop systems to rapidly exchange customs data.

Conclusion

Mr. Chairman, we have a great interest in working together with the Mexican government to ensure that our common border is safe and secure. Even just a few years ago, many would have been surprised at the level of detailed discussion that is now taking place between the United States and Mexico on very important and sensitive issues. Our bilateral cooperation is at an all-time high in many areas of this modern and successful relationship. Under the direction of the President of the United States and the Attorney General, and in my capacity as Commissioner of the INS, I will continue to build on this achievement wherever possible, including in law enforcement, safety, migration, and public awareness of our laws. I look forward to working to develop further this excellent relationship, which can serve the interests of so many people on both sides of the border.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer your questions at this time.