

The Visiting Border Worker's Card Program in Mexico

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This paper explores the phenomenon of labor migration on Mexico's southern border, particularly through the Visiting Border Worker's Card Program. Through the review of bibliographic and statistical sources, it addresses the general characterization of the Mexico-Guatemala border region, and the changes in the policies of issuance and dissemination of documented labor migration. In addition, it explores some of the labor conditions that migrants experience in Mexico, most of the time in situations of great vulnerability. Considering these violations is fundamental to the securitization of this border region and the dissemination of documented migration.

Keywords: *Migrant Workers, Visiting Border Worker's Card, Mexico-Guatemala border*

INTRODUCTION

Over the last 20 years, Mexico has increased its visibility as a country of transit migration to the United States (Plaza, 2021). However, not everything that occurs in its border regions is related to transit migration, particularly in the south, where Mexico meets the countries of Guatemala and Belize.

This southern border is dynamic at the local level. An example of this dynamism is the flow of Guatemalan and Belizean visitors towards the states of Chiapas and

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Quintana Roo (García, 2013). Another explanation includes agro-industries, which play a significant role in regional economies, articulated with international economies; the cases of coffee¹ exports and sugar (Aguilar et al., 2011) consumption are just two examples.

The absence of historical sources that reliably document this migratory flow has been brought into discussion by several authors (Rojas, 2017). During the 1990s, the office of the General Directorate of Migratory Services began to disaggregate the registration of agricultural workers, separating them from local visitors. In 1997 and in 1998, immigration permits were granted through an official letter from the Non-Immigrant Area and documented in a “Relación de Trabajadores Agrícolas” (List of Agricultural Workers). As of 1997, the procedure was formally changed, and individual registration began to be issued through the Migratory Form for Agricultural Visitors (Forma Migratoria de Visitantes Agrícolas, or FMVA) (ibid) (Figure 1).

In 2005, the National Institute of Migration published a proposal for a comprehensive migration policy for the southern border (Instituto Nacional de Migración & Centro de Estudios Migratorios, 2005). Its immediate predecessor was the Southern Border Plan, which operated from 2001 to 2003, and was replaced by the project “Strengthening of the regional delegations of the southern border”, which consisted of tightening the documentation of agricultural workers and local visitors with relatively more precise mechanisms, and the creation of Beta Group, among other agencies. Among the strategic lines designed, the first one is the facilitation of migratory flows that have as their temporary and definitive destination, the southern border states in Mexico. Based on this proposal, the Border Worker Migration Form (Forma Migratoria de Trabajador Fronterizo, or FMTF) was implemented in 2008, expanding the eligibility requirements in order to include Belizean citizens, (Secretaría de Gobernación e Instituto Nacional de Migración, 2008) and promoting the regular status of spouses, daughters and sons accompanying them. It also includes non-agricultural sectors, such as construction and services, and expands registration to the states of Quintana Roo, Campeche and Tabasco as labor destinations (ibid).

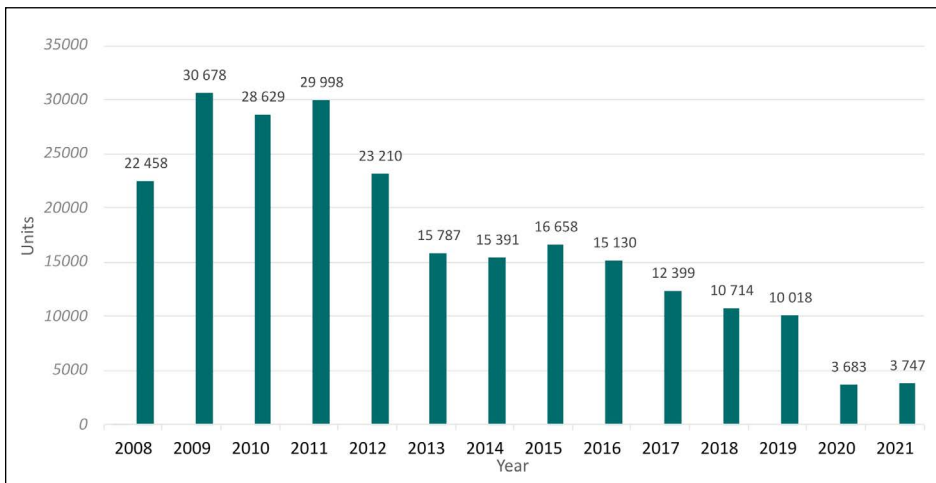
With the implementation of the 2011 Migration Law (Secretaría de Gobernación, 2011) and the publication of the Migration Law Regulations in 2012 (Reglamento de la Ley de Migración, 2012), the FMTF became the Visiting Border Worker’s Card (Tarjeta de Visitante Trabajador Fronterizo, or TVTF), for individual use. As can be seen further below (Figure 1), the decrease in TVTF issuance is constant, but this data does not necessarily show a decrease in the number of migrant workers in the region, as people often use other forms of migration, such as the Regional Visitor Card (TVR)² or cross without documenting their entry.

Figure 1: Key moments of modification of these temporary work permits in Mexico



Figure 2, below, shows the total number of migrant workers who obtained the TVTF between 2008 and 2021.

Figure 2: Total workers in Mexico's southern border (2008-2021)



Data Source: Secretaría de Gobernación, 2022 a

The number of TVTF workers at the southern border of Mexico increased the most between 2008 and 2009, when it grew by 36.6%. Meanwhile, the total number declined the most between 2011 and 2012, when it fell by 31.9%. Between 2008 and 2021 the number of TVTF workers decreased by 83.6%.

Table 1 below provides more information on the issuance of documents for border workers by country of residence, state and point of issuance between 2008 and 2021.

Table 1: Issuance of documents for border workers by country of residence, federal entity and point of issuance, 2008-2021³

Country of residence/ point of dispatch	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Total general	22 458	30 678	28 629	29 998	23 210	15 787	15 391	16 658	15 130	12 399	10 714	10 018	3 683	3 747
Total Guatemala	22 458	30 678	28 628	29 993	23 209	15 781	15 391	16 648	15 122	12 396	10 710	10 015	3 677	3 747
Chiapas	22 458	30 655	28 570	29 953	23 177	15 749	15 358	16 613	15 056	12 348	10 544	9 847	3 652	3 673
Carmen Xhan	n.a.	n.a.	19	4	-	-	-	-	-	-	-	-	-	-
Ciudad Cuauhtémoc	263	3 624	5 751	3 656	4 426	2 217	2 736	2 578	2 386	1 725	938	657	91	51
Ciudad Hidalgo ²	n.a.	884	5 629	7 641	10 201	8 456	7 204	8 388	8 523	6 878	5 471	6 188	2 011	2 246
Talismán	22 179	26 060	17 132	18 547	8 548	5 076	5 418	5 647	4 147	3 745	4 135	3 002	1 550	1 376
Unión Juárez	16	87	39	105	2	-	-	-	-	-	-	-	-	-
Tabasco	n.a.	23	58	40	32	32	33	35	66	48	166	168	25	74
El Ceibo	n.a.	23	58	40	32	32	33	35	66	48	166	168	25	74
Total Belice	n.a.	n.a.	1	5	1	6	-	10	8	3	4	3	6	-
Quintana Roo	n.a.	n.a.	1	5	1	6	-	10	8	3	4	3	6	-
Chetumal, Subteniente López	n.a.	n.a.	1	5	1	6	-	10	8	3	4	3	6	-

Source: Secretaría de Gobernación, 2022 a

Table 1 shows the place in which visiting workers received their cards. In the case of Guatemalan citizens, most of them received their permits in the state of Chiapas, and primarily in Talismán. For Belizean nationals, the primary location of issuance is in the state of Quintana Roo in Puerto Subteniente López, at the city of Chetumal.

In August 2022, the National Institute of Migration stated in a press release, that between 2018 and 2022, it had issued 21,031 TVTFs to locate workers in agriculture, commerce, environmental projects, tourism, and construction (of the Mayan Train, among other projects). Within these cards, only 10 were issued to Belizeans and the rest were issued to Guatemalan citizens (Instituto Nacional de Migración, 2022 b). In view of this, it is important to review the general migration policy, and the role of temporary work permits in the border region, in order to strengthen what is promoted as “orderly, safe and regular” migration (Organización de las Naciones Unidas, 2019).

BACKGROUND

The border region between Guatemala and the Mexican state of Chiapas is one of the most dynamic both in economic and migration terms. Chiapas and Guatemala share a common history and territory, not only by its Mayan-rooted peoples, but also for having been subsequently subjected to Spanish conquest. As with many other territories, they are abided by the administrative border that, since 1882, currently divides Mexico and Guatemala. The departments of San Marcos and Huehuetenango, located in the western region of Guatemala and the Soconusco region in Chiapas, have long history related to the movement of Guatemalan agricultural workers and their families, who have been employed in coffee and cocoa

since the installation of farms during the second half of the 19th century and first half of the 20th century (Castillo y Toussaint, 2015; León, 2012).

Later, in the 1980s, short-cycle crop agriculture expanded in Soconusco. Fruit crops such as watermelon, melon, mango, papaya, green chili and soybean increased the demand for laborers. In this context, the political crises in Central America, the Coffee Price Crisis, together with the war in Nicaragua, El Salvador, and Guatemala, as well as military interventionism, impacted the migration patterns of entire communities (Ibid). Farmers increasingly hired Guatemalan peasants, who, for the most part, they preferred to cross the border rather than work on private farms in their home country, where working and living conditions, as a result of the war, were more precarious than they were in Mexico (ibid).

The agricultural workers have been joined by the construction and service sectors, mainly in the cities of Tapachula and Tuxtla Gutiérrez, in activities such as housework, and working as assistants in mechanics and paint shops, car washes, restaurants, grocery stores, and markets, among other industries (Instituto Nacional de Migración et al., 2006).

For documented workers (predominantly men), a system of lists that recorded minimal data on them, was established – that is, names and identity documents presented, the name of the farm and the owner, as well as the productive activity involved and, if applicable, the number of companions (wife, children and other family members), without further detail.

However, agricultural workers of Guatemalan origin are not the only ones who mobilized towards the border markets. For at least three decades, other migrant worker groups of Central Americans and national day laborers have also participated in the sugarcane agroindustry as cane cutters (García, 2013)

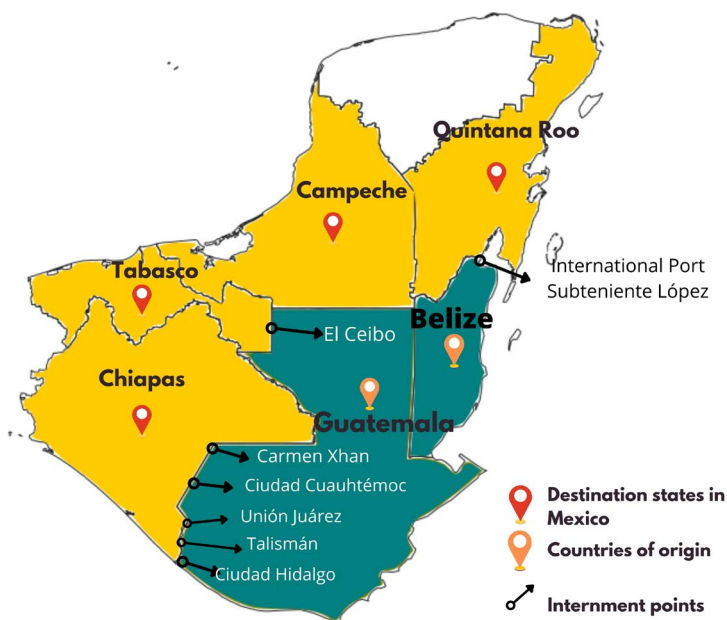
The vitality of Mexico's sugar industry places it in the top ten of world production, destined mainly for domestic consumption. In the southern border states, during 2011-2012, there were seven mills that employed nearly 3,000 sugarcane cutters, among which groups of Belizean cutters were identified (ibid). However, the same period shows no record of TVTF holders from Belize for the agricultural sector. In many cases, this is due to the fact that workers are unaware of the procedure, or they resort to other types of permits, such as the Regional Visitor's Permit, because it is more practical and free of charge.

So far in the 21st century, other phenomena have influenced/impacted the region. Such phenomena include Central American and Caribbean migration due to climatic disasters (OIM, 2021), along with the projection/development of the construction sector of the hotel industry in Quintana Roo as a labor destination (Vázquez, 2022).

CURRENT USE

In the 1,100 kilometers of border shared between Guatemala and Belize, there are eight formal internment points: seven in Chiapas, one in Tabasco and one in Quintana Roo. However, only in seven of them is possible to administer the TVTF. Figure 3 below shows the location of the TVTF internment points.

Figure 3: Places of origin, destination and points of internment of TVTF



Source: Own elaboration based on information provided by the National Institute of Migration

To access this permit, migrant workers must have proof of meeting the following criteria (Instituto Nacional de Migración, 2022 a):

1. Having an employment offer, witnessed and signed by the employer based in Mexico or the employer's legal representative;
2. Owning a valid form of identification for traveling and proof of payment, as established in the Federal Law of Rights for 2022; and
3. In the case of minors, they must present a certified document where the parents or guardians authorize them to work in Mexico, in accordance with the labor legislation.

The Unit of Migratory Policy, Registration and Identity of Persons points out the following benefits of the card (Secretaría de Gobernación, 2020):

- It allows Guatemalan and Belizean nationals to work in the states of Chiapas, Campeche, Tabasco and Quintana Roo in respect of job offers made by individuals or companies registered with the National Institute of Migration (Instituto Nacional de Migración n.d.).
- The border worker visitor has permission to work in exchange for remuneration in the country in the activity related to the job offer available.
- The beneficiaries of this card have the right to enter and leave national territory as many times as they wish.
- Although it has a cost, this is borne by the employer. The TVTF costs 476 Mexican Pesos in November 2022.

In 2019, the current president, López Obrador, expanded TVTFs to include Honduran and Salvadoran nationals, thus allowing all citizens of the Northern Triangle countries to work in the southern border states (Secretaría de Gobernación, 2019). However, as of up to date, there is no record of any concrete follow-up to this initiative.

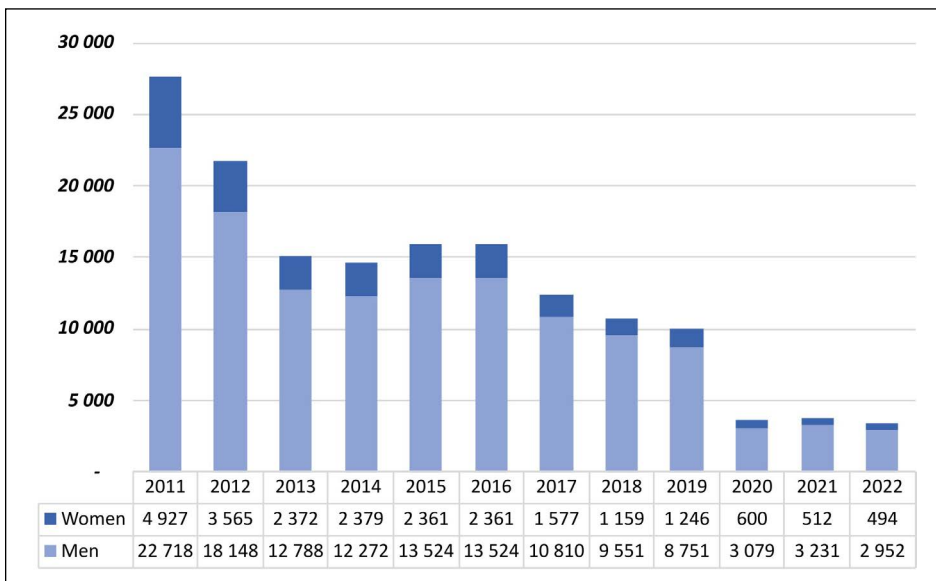
From Guatemala, we highlight the promotion of “For the labor rights of Guatemalan border migrant workers” (Organización Internacional de las Migraciones, 2021).⁴ This campaign aims to inform and raise awareness among the Guatemalan population about the importance of working regularly in Mexico and to promote the use of the TVTF.

CHARACTERISTICS OF WORKERS

According to Miguel Angel Castillo and Monica Toussaint (2015), most Guatemalan agricultural workers are from the western border area of Guatemala. Most of them come from rural origins, and about 30% of them are illiterate. More than 50% of them come from indigenous origins, speaking Mayan-root languages such as Mam and Kaqchikel. In many cases, the authorization process by the Mexican authorities is carried out by a contractor or in some cases, by the owner of the productive unit and in a very small proportion by the worker themselves. Most of the documented labor migration flow comes from seven departments: San Marcos, Quetzaltenango, Retalhuleu, Suchitepéquez, Huehuetenango, Totonicapán and Escuintla, especially from the first three. According to data from the survey Perfil Sociolaboral de las Personas Migrantes Centroamericanas, developed from the Encuesta sobre Migración en la Frontera Sur de México (Emif Sur), the socio-demographic profile of people who returned from Mexico to Guatemala, after having worked in Mexico, in 2021 is as follows (Colegio de la Frontera Sur y Organización Internacional de las Migraciones, 2021):

- Seventy-five percent of the people surveyed were men, and 25% were women.
- The average age is 34.6 years, with those aged 30-49 years (62.8%) and those aged 15-29 years (30.3%) standing out.
- Guatemala is the main country of birth (98.8%) and residence (96.0%).
- 92.4% of the flow made their trip unaccompanied by minors under 15 years of age to work in Mexico; however, 7.6% reported having been accompanied by minors under that age to work in Mexico.
- Indigenous languages are spoken by 24.8% of the flow, but only 14.3% consider that they belong to an indigenous community, and only 1.1% consider themselves Afro-descendant or Garifuna. Migrants have an average of 5.1 years of schooling. It is noteworthy that 77.7% of the migrant flow has completed primary school or less, and 14.8% are illiterate.
- A total of 82.3% of the flow are married (29.5%) or in union (52.8%), while 14.8% are single. Some 64.3% of the migrants are heads of household, 15.3% are the partner, and 18.1% are the children of the head of household.
- 66.3% of the flow indicates that they are the breadwinners of the household, in which there is an average of 2.4 economically active persons people.
- The average age at which these migrants first crossed into Mexico to work or look for work was 19.3 years old; 18.2% did so at 15 years of age or younger.
- Regarding the composition by gender and age, the TVTF registry provides the following results. In Figure 4, it can be observed that, in all years, more than 80% of these permits are issued to men.

Figure 4: Female and male workers with TVTF, by gender (2011-2022)

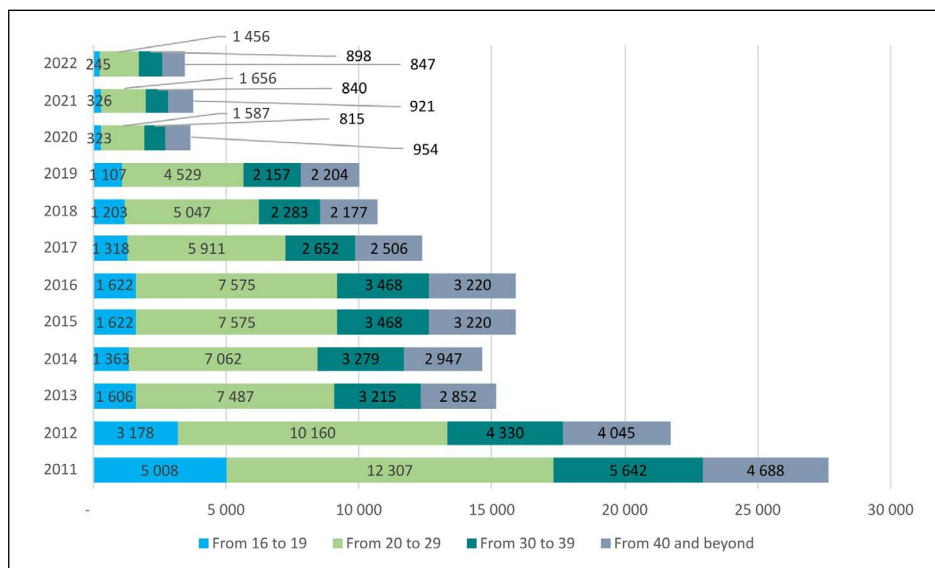


Source: Own elaboration, based on data from Secretaría de Gobernación (n.d)

It is important to treat these data with caution, as it would be inaccurate to ignore the fact that women migrant workers on the Chiapas border are a powerful and significant group, particularly in the service, commercial and domestic work sectors in border cities (Castillo, 2015).

Regarding age groups, Figure 5 below shows some results.

Figure 5: Female and male workers with TVTF, by age (2011-2022)



Source: Own elaboration, based on data from Secretaría de Gobernación. s/f.

HOUSING

While there is no clarity regarding the rights protected by Mexican law for temporary migrant workers from other countries, the Federal Labor Law in Chapter VIII alludes to the subject of farmworkers rights, without specifying nationality or immigration status. Among the obligations of employers of farmworkers is the provision of clean and decent housing (Ley Federal del Trabajo, 1970).

Violations of Rights

In the dissemination materials on the TVTF in Guatemala, the emphasis on the rights that would be protected on behalf of the welfare of workers stands out (Organización Internacional de las Migraciones, 2022a). Some of these are:

- Daily and weekly rest periods;
- Maximum daily working day of eight hours;
- Overtime payment;

- Paid period of annual leave;
- Right to join a union;
- Emergency medical service;
- Social security affiliation;
- Access to apprenticeships and vocational training;
- Physical protection in the case of using dangerous machinery or exposure to chemicals; and
- Protection against sexual harassment and physical and psychological abuse.

There are no similar outreach materials on the TVTF in Belize. Moreover, there is no data about the exact type of employment violations experienced by citizens of this country. Table 2 below explains the different forms that the systematic violation of migrant workers' rights can take.

Table 2: Practices that systematically violate the rights of migrant workers

Corruption	Corruption is present through the authorities' relations with criminal gangs that attack migrants from Guatemala, El Salvador, Honduras and Nicaragua. (Islas, 2017)
Discrimination	Discrimination against indigenous people occurs when public servants of the National Migration Institute detain migrants because they look like they belong to an ethnic group, in a way that is perceived as denoting their ethnicity or having an accent, and demand their nationality documents (Islas, 2017) It also includes a lack of active integration of women migrant workers to ensure that there is no gender discrimination in recruitment and job offers. In addition, migrant women face barriers in complying with TVTF requirements, including following the need to show a work contract.
Lack of transparency in recruiting	People do not have access to information about the work of the authorities linked to their labor process in Mexico, and contact with these authorities is mediated by the recruiter. There is also a lack of knowledge about the characteristics of the work that they will be carrying out, the resources they could access, and the communication channels they require to file complaints or make inquiries during the process. In some cases, migrant workers do not speak Spanish and their contact on the farm is either the intermediary or the contractor (Organización Internacional del Trabajo & Organización Internacional de las Migraciones, 2019)
Lack of job-related benefits	Only 3% of temporary workers received some type of benefit in 2019. Within this low percentage, the distribution of each benefit is as follows: vacation (2.3%), Christmas bonus (2.4%), health services (1.2%) and retirement (0.3 %) (Organización Internacional de las Migraciones et al., 2020; Instituto Mexicano del Seguro Social, 2022)

Child labor	Children who travel with their families are integrated into the adult workforce, particularly on coffee farms. In addition, the absence of consolidated education options and other activities integrated into their development, limits them in terms of enjoyment of their childhood.
Lack of contract	Only a small percentage of displacements (2.3% in 2019, and 3.2% in 2018) are made by people who have a signed contract with their employer. This shows the level of informality in which Guatemalan temporary workers work, and their limited access to formal labor benefits (Organización Internacional de las Migraciones et al., 2020)
Retaliation	Temporary workers feel inhibited to make claims or complaints of any kind to the foremen/crew leaders (in Spanish caporales), due to fear of retaliation – including being left without a worker's card for up to a year and not being rehired in the future (Organización Internacional del Trabajo y Organización Internacional de las Migraciones, 2019).
Threats	The phrase used by the foremen/crew leaders is “If you want to do it, do it; if you don't, you quit!”, which is itself an open threat to workers' job security. (ibid)

CONCLUSION

The Tarjeta de Visitante Trabajador Fronterizo (TVTF) has been praised as a migration policy tool with positive effects on local economies in southern Mexico. The characteristics of labor markets in Chiapas does not appear to warrant to meet the idea of qualitatively better labor/worker outcomes, but it is an important market in the region due to its proximity with Guatemala.⁵

The emphasis on “orderly, safe and regular” migration has implied the commitment of the Mexican government to contain transit migration to the United States. In 2018, for example, faced with the entry of migrant caravans, the Peña Nieto government launched the “You are in your home” emergency program, which promoted work, education and health permits, allowing the staying of migrant workers in the states of Oaxaca and Chiapas, i.e., in the south of the country (Secretaría de Relaciones Exteriores, 2018).

This gradual increase in the definition of migration categories, and the generation and storage of data, occurs in parallel to the tightening of migration policies in Mexico. The investment that INM has made in infrastructure at border ports, the introduction of information technologies, the modernization of procedures and the issuance of individual cards all run parallel to the increase in Central American migration to the United States and the securitization of borders. This perspective, where a security approach prevails over a human rights approach, has failed to offer dignified options as a response to the people's crisis. On the contrary, the difficulty

in accessing documented migration channels subject migrants to conditions of vulnerability, trafficking and labor violence.

Leaving aside the structural causes will not solve the pending needs of migrant workers in their places of origin and the demands of the labor markets in destination countries. It is important for the document issued for the registration of migration to be a primary

gateway to decent work, with full enjoyment of human labor rights. Although these rights do not (or should not) depend on a document, the use of this document should pave the way for the recognition of migrants as workers and, above all, as persons/human beings. To this end, the design of the program must have precise knowledge of the characteristics of migration, in order to enable conditions for effective implementation and enforcement of rights.

NOTES

- 1 Mexico has remained in the top twelve places in coffee production for export worldwide. In 2021 it ranked 12th in production and eighth in exports. (Secretaría de Agricultura y Desarrollo Rural/Servicios de Información Agroalimentaria y Pesquera, 2022).
- 2 The Regional Visitor Card (TVR) is an entry permit that can be accessed by people from Guatemala, Belize, Honduras and El Salvador, in order to legally transit through the towns of the states of Campeche, Chiapas, Tabasco, Quintana Roo and Yucatán for up to seven days, The process is free and valid for 5 years. That is, the people who carry this document can register multiple entries. (Instituto Nacional de Migración 2022; Secretaría de Gobernación s/f).
- 3 From January to March 2008, the information refers to the Agricultural Visitor Migration Form (FMVA), which was in force since 1997 and was only issued to Guatemalans; from April 2008 to October 2012, the information includes Guatemalans and Belizeans documented with the Border Worker Migration Form (FMVF), under the terms of Article 42, Section III of the General Population Law and Articles 162 and 163 of its Regulations. As of November 2012, it includes Guatemalan and Belizean nationals documented with the Border Worker Visitor Card (TVVF), under the terms of Article 52, Section IV of the Immigration Law; Articles 134 and 136 of its Regulations and Articles 75, 76 and 77 of the Guidelines for Immigration Procedures and Procedures. (Original source note).
- 4 Which also has its counterpart in Mexico (Organización Internacional de las Migraciones, 2022).
- 5 “The socioeconomic context of Chiapas gives the impression of not being a destination that provides significant advantages for labor. El contexto socioeconómico de Chiapas hace pensar que éste no es un destino que, en

apariciencia, provea ventajas significativas en términos laborales. Thus, it would be hoped that moving to this location does not necessarily represent an improvement of living conditions. [...] Employment opportunities in Chiapas are most secure (not precarious), very few do not find jobs, whereas in their communities in Guatemala options are scarce.” (Organización Internacional de las Migraciones, et al. 2020)

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