Cruzando La Frontera: Examining Policies to Better Serve Work-Commuters on the U.S.- Mexico Border

Valentina Gonzalez

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Cruzando La Frontera: Examining Policies to Better Serve Work-Commuters on the U.S.-Mexico Border

Submitted to
Professor William Ascher

By
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For
Senior Thesis
Spring 2023
April 24, 2023
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Acknowledgements

This thesis is dedicated to the work-commuter community on the U.S.-Mexico border. Your years of sacrifices and hard work are the reasons why the American economy thrives. This country could not operate without you. I am proud that I come from a Latino community that gives so much of themselves to protect and take care of their families. Thank you to my parents who have supported me in everything I do. I love you with my whole soul. You both inspired my research on a critical topic, and I am so blessed that I have the privilege to share it with the world.

Written with love,
Valentina
Abstract

This thesis explores the challenges of work-commuters living in Mexico yet working in American border cities. As the majority of work-commuters have limited educational backgrounds and limited English proficiency, workers are often restricted to low-paying, onerous jobs in construction, landscaping, agriculture, and domestic work. However, there is a small percentage of workers in managerial and professional positions. Workers in these industries are at higher risk of experiencing occupational hazards and labor abuses, particularly because of the nature of these positions. Through the use of personal testimony and supporting data, this thesis will demonstrate the need for reform in immigration and expansion in labor protections.
Chapter 1: Introduction and a Brief History of Labor Migration Between Mexico and the United States

Introduction

Approximately half a million people cross into the United States from Mexico on a daily basis.¹ Frequent movement across the border for border city residents is an inherent characteristic of border town life, as visitors, students, and workers often separate their living space in Mexico from their academic and professional responsibilities in the United States. Focusing on border crossings specifically for work, this binational community has built economic and social co-dependency, particularly within the last eighty years.² This financial relationship first transpired with the introduction of the Braceros Program, which launched American dependence on Mexican labor. Many Mexican border residents are attracted to work in U.S. border cities, as they can earn higher wages in dollars yet spend in Mexico pesos. Please note that Mexicans who commute daily from their homes in Mexico to work in the United States will be referred to as work-commuters throughout this thesis. Low cost of living, familial establishment, and low wages in Mexico, coupled with higher paying jobs and high cost of living in the United States, drive many Mexicans to enter the American workforce.

This relationship is particularly crucial for low-income families living in Mexico because American work opportunities often produce greater financial safety nets for families with little socioeconomic mobility in their home country.³ According to David Marcial Pérez, in 2016, Mexican worker’s monthly salary while working in the United States was $1,870. In contrast,

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their salary was only $291 in Mexico. Nevertheless, higher wages in the United States still do not free American jobs of other disadvantages that impact workers. Even in the United States, most Mexican workers are wage-stagnant and at high risk of occupational hazards and labor abuses. Mexican workers often endure these challenges with limited support from their employers and government agencies like the Department of Labor. This thesis argues that the U.S. government is responsible for improving conditions to prolong the working lifetime of those who occupy foundational jobs in the American workforce.

Underperformance in Mexico’s economic growth and poverty reduction contributes to a cycle such that low-income Mexican families send family members to the United States to sustain their livelihood. Most foreign workers in American border cities occupy jobs in physically strenuous industries, which include construction, landscaping, agriculture, and domestic work. Mexican workers who have completed high school or higher education are more likely to qualify for managerial and professional positions in these industries; however, these workers are in the minority. Instead, most Mexican work-commuters supply the high demand for manual, labor-intensive jobs.

Furthermore, the work-commuter profile inherently requires Mexican workers to commute to their jobs in American border cities. This group endures three primary obstacles as they cross the U.S.-Mexican border. First, long wait times occur regularly throughout the week as laborers travel northward for work and southward to return home. Car wait times range between one to ten hours during peak rush house, which prompts work-commuters to cross into

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the United States in the early morning. The amount of time allocated to the physical commute highlights an important issue: work-commuters need more availability for their families and personal lives. Second, many work-commuters are subject to daily discriminatory and unwarrantedly harsh U.S. Customs and Border Protection (CBP) processing. Third, acquiring work visas can be a tedious process that typically takes between two weeks to nine months to obtain—these reasons, combined with immigratory obstacles that accompany Mexican workers seeking to work in the United States.

This thesis will begin by providing information about historical economic programs for Mexican workers in the United States that informed economic dependencies on Mexican foreign labor that persist today. Next, it will overview high-risk, low-paying industries and the risks accompanying respective sectors. Then, it will analyze the daily challenges workers must endure before and during crossing the U.S.-Mexico border and includes their experience with CBP agents. Lastly, this thesis will consist of first-hand accounts from work-commuters. It will ultimately recommend that the United States and Mexico adopt a bilateral policy that protects day workers from the vulnerabilities stated above.

Historical Labor Migration Between Mexico and the United States

Before addressing current issues affecting day laborer migrants, it is essential to explore how the history of the U.S.-Mexican border has shaped the political and social conditions of the present day. For example, the United States' acquisition of Mexican land following the U.S.-Mexico War in the mid-19th century commenced the redefinition of physical borders, separating many residential communities. This condition requires people from both sides of the border to

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cross between the two nation-states to reconnect with one another. Therefore, the newly established border provides an early glimpse of the formation of a commute between Mexican and American border cities such that residents attempt to balance familial, cultural, economic, and social conditions constructed by the U.S. and Mexican governments.

The Porfiriato

The political climate generated in Mexico and the United States from the end of the U.S.-Mexican War (1846-1848) through the 1930s created economic instability that would eventually lead to the reliance of Mexican border city residents. The strengthening of economic and cultural ties between the two countries led to the back-and-forth flow of migrants. Decades after Mexico’s loss of land from the U.S.-Mexican War, President Porfirio Diaz came into power. He would eventually impose drastic economic and labor reforms that would largely contribute to the emigration of Mexican workers to the United States.

Before changes made by the Porfiriato, Mexico adhered to the ejido and hacienda systems to organize land distribution and agricultural workers. While ejidos were communal plots of land and haciendas were privately owned, both methods were overseen by wealthy landowners. During the 1890s, however, Porfirio Diaz launched ‘La Reforma’, which aimed to eliminate communal land ownership such that land would be redistributed to loyalists of the Porfiriato, extending the longevity of his regime.7 Eliminating ejidos also allowed Porfirio Diaz to begin modernizing rural regions by building a railroad system. Therefore, workers joined haciendas or worked in the industrial sector.8

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From a surface-level perspective, the regime provided abundant worker opportunities while efficiently developing the economy. However, rejecting the ejido system permitted hacienda landowners and the industrial sector to exploit workers to a higher degree as Diaz controlled the organization of workers and consequently limited workers’ socioeconomic mobility.

Worker exploitation was highly prevalent as a result of a largely impoverished workforce. Under the hacienda system, agricultural workers were in a perpetual state of debt as landowners agreeably granted loans more expensive than workers' annual earnings. As noted by Cardoso, agricultural workers were consistently in debt at an average of 450 pesos, while their yearly earnings amounted to only 120 Mexican pesos.9 Growing debt for agriculturalists contributed to an expanding workforce as they repaid debts to landowners and sent what little money they had left to their families. As a result, there was consistent demand for work regardless of the exploitative conditions that accompanied the position.

**The Mexican Revolution**

It was in the Mexican Revolution, beginning in 1910 when worker and peasant mobilization challenged the status quo enforced by the Porfiriato. As seen in the Zapatista movement, Uprisings in Southern Mexico demonstrated decades of resentment accumulated by agricultural workers as they revolted against wealthy elites. By 1917, Mexico passed the Agrarian Law that reestablished communal ejidos by redistributing private hacienda property back to the state.10

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9 Ibid, 3.
Shifting to the ejido model, however, did not address grievances expressed by poor agriculturalists during the Revolution or effectively redistribute power, land, and wealth possessed by elites. Instead, it directed three primary outcomes. First, establishing ejidos merely created the illusion of power-sharing among elites and peasants. The passing of the Agrarian Law propagated an elitist agenda by granting insubstantial land rights to poor workers. Insufficient support from the Mexican government hindered agricultural workers from accessing land, leaving them to the subjugation of wealthy landowners. \(^{11}\) Second, it took a lot of work for the federal and state governments to enforce land redistribution and reinstatement of the ejido system, particularly in remote areas in Southern Mexico, where elite land owners (loyalists to the Porfiriato) retained their land rights and local positions of power. \(^{12}\) Thus, much of the same conditions that were employed pre-Revolution, persisted thereafter. Third, the political instability from the Revolution weakened the domestic economy and increased unemployment, specifically in the agricultural sector. As a last resort, laborers searched for job opportunities in the United States. \(^{13}\)

Following the unfair work conditions committed by wealthy landowners and the inefficiency in implementing fair work conditions, many Mexican agricultural workers stopped working in Mexico. Instead, they resorted to crossing transnational borders into the United States. As the United States entered World War I, there was still turmoil in Mexico, and wartime produced a high demand for work in the United States. To remedy the loss of a great majority of


the workforce, the United States negotiated a bilateral agreement with Mexico, creating the first Braceros program in May 1917.

**The Bracero Program**

The first wave of the Braceros program (1917-1921) presented itself as an alternative for poor Mexican workers. The United States provided terms that prescribed up to six months of legal work in the agriculture, railroads, mining, and construction sectors and offered wages equal to what was paid to local American workers, providing the possibility of newfound security.14 Throughout the 1920s, approximately 300,000 Mexican workers and their families integrated into American border cities, rural areas, and other parts of the United States.15 Their decision to leave their home country, even for six months, represents the immense desperation expressed by this group. Braceros’ movement into the United States marked a new era. Mexican workers became vital actors in sustaining the American workforce and, subsequently, the productivity of labor-intensive industries in the American economy. This relationship persists today, mainly as Mexican work-commuters still participate in the American workforce in American border cities.

The second wave of the Bracero Program (1942-1964) reinstated the bilateral worker program between the United States and Mexico as the United States entered World War II in December 1941. The United States claimed its restoration was to serve reparations for the wrongful deportment of Mexican-American children of Braceros following the Program’s first wave (1917-1921). However, it was clear that its reinstatement served a primary purpose in supplying labor for the American workforce during another period of labor shortages. Throughout its twenty-two-year lifespan, this program granted over 4 million Mexican men

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15 Ibid.
access to work in U.S. agriculture and railroad construction under six-week to six-month contracts.\textsuperscript{16}

The high demand for a workforce in the United States appealed to Mexican agriculturalists who were unemployed following land distribution by Mexican President Cardenas. This second attempt at land redistribution produced mass unemployment as large plantations were broken into smaller, less productive farms and did not require the same labor demand.\textsuperscript{17} Desperation for employment prompted poor workers to utilize what little money they had to travel to recruitment cities for the Program. Traveling to recruitment in border cities, such as El Paso, Texas and Ciudad Juarez, indicated early on the importance of a commute. While Braceros were allowed to stay in the United States for the duration of their contract, traveling for recruitment and relocating for the job required workers to transport themselves to another country and be away from their families for an extended period.\textsuperscript{18} These sacrifices are not unique to this period as these conditions perpetually exist for Mexican day workers commuting between home life in Mexico and work in the United States.

Furthermore, the Program was coupled with an array of socioeconomic and discriminatory issues that affected Braceros during employment and after their contracts ended. Worker contracts guaranteed housing and food; they were supposed to be paid $0.30 per hour.\textsuperscript{19} Yet, working and living in remote locations was challenging to enforce these conditions, making it extremely easy for employers to exploit workers and violate labor contracts. Program-provided housing and food for immigrant workers supported basic needs that sustained workers

\textsuperscript{17} Ibid, 171.
\textsuperscript{18} Ibid, 171.
throughout their contracts. It also provides an added layer of protection to workers who are not fluent in English to prevent further discrimination by external entities. However, maintaining sanitary standards regulated by the U.S. federal government was just as crucial as commissioning the benefits. In many cases, Braceros were not placed in sanitary housing and experienced food insecurity, violating their contracts and worker rights.\textsuperscript{20}

Furthermore, many program recipients were paid depressed wages that were lower than their American counterparts. For example, American agricultural workers were paid a national average of $95.30 per month, averaging $0.30 per hour for a ten-hour workday.\textsuperscript{21} American employment for American workers was fairly regulated by the federal government, which induced a higher risk if employers were caught exploiting workers. On the other hand, low regulation for Braceros enabled employers to pay their workers lower than minimum wage or even no wage at all.

\textit{Unionization}

The demise of the Braceros Program in 1964 not only terminated its relationship with contracted Mexican temporary workers but also provoked the United States and Mexico to rethink their economic relationship. Braceros became a dependable source of cheap labor in American agricultural and industrial sectors during and after World War II, from which it took time to depart following the Program's end. Moreover, Braceros also depended on American labor demands as these contracted positions provided opportunities for them and their families to escape Mexico's economic turmoil for a short period. This program, however, was not sustainable for either Braceros or local populations due to its exploitative nature.

\textsuperscript{20} Elizabeth W Mandeel, “The Bracero Program 1942-1969, 172.”
Nevertheless, two years after the program's end, a high surge of demand for Braceros by agricultural employers reemerged. Yet, many American workers, even Mexican-American workers, opposed the return of the Bracero for a third time. Because Braceros were paid little to nothing to do the same work as unionized farmworkers, U.S. agriculture employers were not incentivized to employ American workers, who were organizing to demand livable wages and safe work conditions. According to United Farm Workers (UFW):

"[...] 6,000 Braceros will start work in California, which means more people competing for fewer jobs. It means lower wages for all. And it is possible that this crime against farm workers will get bigger. Growers want 13,000 Braceros for tomatoes and 25,000 for other crops. The Braceros Program ended by Congress two years ago [...] the growers pay lousy wages, refuse to sign a contract, and turn local workers away [ …] they know they can pay them less than one dollar (12 pesos)."

It is essential to frame the attitudes of American and Mexican-American workers in this excerpt as they react to employers' abuse of both Braceros and local workers. The program's exploitation of Braceros established a new precedent that enabled employers to engage these same abuses onto local populations or revert from employing locals if there was pushback. However, resistance from local workers typically resulted in unemployment, as their position was expendable. In practice, a constant supply of temporary migrant workers enabled growers to

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employ American workers, who were almost always guaranteed to adhere to the conditions imposed on them. First, workers did not have sufficient time in Bracero contracts to organize and challenge the status quo. Second, Bracero jobs were equally as expendable as the jobs of local workers. High tolerance to conform to these conditions and high willingness directly challenged civil rights movements within these industries. Bracero occupation of local employment is why local workers resented Braceros.

Interestingly, local worker resentment of the Braceros Program was often channeled onto individual temporary workers rather than the program itself. For example, the UFW did not allow the participation of Braceros, partly because of the disconnect between Mexican nationals and those of Mexican descent. This case represents one of the first instances of a clear divide between Mexican-Americans and Mexican workers. It also raises the question: who is deserving? Questions such as this one feed into a survivalist ideology between competing labor groups, further contributing to tension between each party. These attitudes continue today, as Mexican border migrants accept US-based jobs while still living in Mexico. While the circumstances vary from the Bracero and UFW case study, a similar attitude persists against work-commuters.

**The Maquiladora System**

In 1965, the U.S. government shifted its focus from agriculture development to expanding its industrial sector. In replacing the recently terminated Bracero Program, the United States continued to employ Mexican workers at a low cost without having to contract and transport temporary workers into the United States. This was initiated by establishing maquiladoras in U.S.-Mexico border cities.

23 Ibid.
Known as the Border Industrialization Program of 1965, this program increased foreign investment in Mexico to a degree that was not seen before. While a free trade zone (zona libre) has existed in the U.S.-Mexico border region since 1858, this was the first time U.S. companies were allowed to build maquiladoras in Mexico. By 1969, companies such as Motorola, Hughes Aircraft, Litton, General Electric, and RCA were a few of the 72 corporations that invested in this space. This number of plants increased to 655 by 1974.24

These plants were essential to producing U.S. manufactured goods and were integral to American and Mexican economies and development of personal wealth for Mexican border town families. In Ciudad Juarez, approximately one third of all household incomes were sustained by maquiladoras.25 The success of maquiladoras is attributed to the dynamics established by sister cities on the border. Close geographic proximity and economic ties within the region facilitated productivity from both employers and employees.26 While these jobs provided continuous income for workers, increased productivity in maquiladoras was frequently employed through unjust labor practices.

Similar to the conditions enforced by the Bracero Program, high demand for work, combined with the corporate expectation for speedy production of manufactured goods and low enforcement of workers' rights, enabled practices that took advantage of vulnerable people who depended on this source of income. Many low-income people occupied these positions, as they did not require an educational background or requisite skills. In fact, many maquiladoras turned to women’s labor to fulfill labor demands because they were willing to endure tedious tasks.27

24 Ibid, 179.
26 Ibid.
There are several reasons why workers cannot acquire jobs outside of the categorically "unskilled" job market. First, the scarcity of job variety explains why many Mexican workers could not obtain employment in other industries. If there is little growth in different economic sectors, low job availability, and a large unemployed population, this implicates low turnover. Second, it is also possible that the Mexican government's corporatist structure prevented poor Mexicans' socioeconomic mobility and accumulated wealth for elitist loyalists of the national political party. 28 Government welfare programs created dependence between themselves and the lower class, and little was done to provide resources for this group outside of government aid. Thus, limited job opportunities for poor Mexicans kept the lower-class poor, which in turn benefited foreign investors as there was an abundance of "unskilled" laborers. 29 Maintaining this system guaranteed U.S. corporations' occupation in Mexico, allowing elites to accumulate wealth.

**Maquiladoras under NAFTA**

The implementation of the North American Free Trade Agreement (NAFTA) in 1994 introduced a higher degree of economic integration between the United States, Mexico, and Canada. Consequently, economic cooperation enabled further foreign investment in Mexican border cities, which induced mass internal migration from southern Mexico to northern border cities. In 1990, the total population in Mexican border cities amounted to nine million people and grew to over 12 million a decade later. 30 The mass influx of migrants attracted additional American foreign investors as they saw more people available to occupy factory positions. From

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29 Author D. Little, “Industrial Opportunities for Ciudad Juarez” (The National Frontier Program of Mexico, August 1, 1964).
1990 to 2011, factories doubled from 1,500 to 3,000. As these corporations capitalized off the labor of poor workers, many of whom were women, the Mexican government reaped the benefits of a booming economy, and laborers gained little wealth.

The ramifications of NAFTA are typically analyzed from an external overarching perspective, such as viewing poverty levels, increasing foreign investment, etc. However, the internal consequences of this free trade agreement reveal numerous cases of abuse, particularly for women. Tolerance of abuses in maquiladoras reflect desperation for jobs in the formal sector since jobs in maquiladoras (in theory) guarantee consistent income inflow. Margarita Avalos recounts the labor abuses she experienced while working in maquiladoras in the NACLA Report on the Americas in 2005. She recalls, “They forced us to work extra time and if we couldn’t do it, they said they wouldn’t pay us for any of the time we worked at all. Sometimes I had to work 24 hours straight, even without eating, in order to get out the orders they demanded. The chemicals and the heat were hard on my body, and for those who were pregnant, it was even worse.”

Since increasingly turned to women’s labor, particularly after the increase in American foreign direct investment in Mexico, men were more likely to be promoted into non-operative jobs in managerial positions. However, for those men who did not occupy these positions, many began searching for jobs in American border cities.

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31 Ibid.
Chapter 2: Exploring Work-Commuter Profiles

Aforementioned immigration, labor, and economic practices during the 20th century through the early 2000s created vital ties between the United States and Mexico, causing a dependency between these two nation-states that carries into the present day. The sister-city relationship that exists in Mexican-American border towns is fulfilled by Mexican labor. Additionally, while these cities are closely knit together economically, socioeconomic conditions on both sides of the border persist to be distinct. Higher wage and job stability in the American economy attracts many Mexican nationals living in Mexican border cities to participate in the American workforce. The sister-city relationship of Mexican-American border cities provides Mexican workers the opportunity to commute across the U.S.-Mexico border to and from work daily.

Furthermore, there are trade-offs to this decision. First, workers can earn American dollars at a higher wage than what it would be working in Mexico. Second, they can spend the majority of their earnings in Mexico, at a lower cost of living. Third, American jobs in the formal sector offer some job security and safety regulations to protect workers. However, these benefits are not foolproof either. Many of the jobs Mexican residents acquire in the United States are usually low-pay, manual-labor intensive, do not provide adequate benefits or enforce their safety mechanisms, and have little mobility for promotions, specifically for workers without college degrees. These conditions are worsened in day labor and informal job contracting. Additional trade-offs include sacrificing personal time (specifically time with family) to commute to and from work and acquiring work authorization permits. Being subjected to these systems on a daily basis increases work commuter risk in facing potential discrimination and inefficiencies with American and Mexican immigration agencies. Nevertheless, after weighing this cost-benefit
analysis, thousands of Mexican residents are willing to make these sacrifices to provide for themselves and their families.

The majority of people crossing the border for work are often the breadwinners of their families. Low-income jobs in agriculture, construction, and landscape pose many risks that are the assumed responsibility of the head of household, who is typically male. Although, financial responsibility is not limited to men only, but may also fall on the shoulders of women as well. While the percentage of female workers who cross the border for work is lower than that of their male counterparts, their labor is equally as important in supporting familial finances and will be highlighted in this chapter through domestic work.

Enduring the risks and costs associated with working in the United States to provide for the family is a defining feature of Mexican households. In “Voices without Law: The Border Crossing Stories and Workplace Attitudes of Immigrants,” Leticia Saucedo and Maria Cristina Morales provide similar insights that examine Latino immigrants’ willingness to ensure financial security for their families. They note, “When workers described their workplace, they discussed the tough conditions and the risks involved in performing the most difficult jobs in the workplace. One worker described, ‘I have never seen anyone from here with a pick and shovel. Only Latinos do that type of work. I don’t like it either.’”34 It is evident that fulfilling the role as family provider is the driving force behind their sacrifices and is amplified when undertaking jobs that are traditionally undesirable by native-born, non-Latino Americans.

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Job Desirability

The majority of jobs in these service industries are abundantly available because they are categorized as high-risk manual labor positions. An occupation’s level of desirability varies from person to person; yet, less desirable jobs are typically characterized as low-pay, wage-stagnant, physically demanding, and have high risks that may cause injury or death. The reality is there are persistent opportunities for immigrant workers to occupy these positions because the American-born workforce has become more educated over the past two decades, and now seeks jobs where they can utilize higher-education degrees and training to acquire higher-paying jobs that are less risky. As the American-born workforce moves away from these positions, low-income immigrant populations are employed because less desirable American jobs have a higher rate of return than that found in their country of origin.

Furthermore, it is important to consider how professional and managerial occupations on the U.S.-Mexico border impact work-commuters differently than communities working in field tasks. On the one hand, the broader work-commuter community are all impacted by the processes of commuting (which will be discussed in Chapter 3), yet their job responsibilities vary greatly. Professional and managerial positions inherently require higher levels of education, proficiency in English, ability to perform desk-job responsibilities. They provide higher wages and job protection. In terms of desirability, these positions are seemingly more desirable, but are often inaccessible for many work-commuters who face limitations in meeting these requirements.

The immigrants in the American workforce largely originate from Latin American countries. According to the U.S. Department of Labor, in 2021, 76.8 percent of foreign-born male workers participating in the American labor force, and half of whom were Latino. These data also reveal that this group is more likely to hold positions in service industries than native-born workers.\textsuperscript{36} Homing into the demographics of the workforce population on the U.S.-Mexico border, it is plausible to assume that the majority of Latino foreign-born workers are Mexican nationals.

A 2019 study by the American Immigration Council reported 90.8 percent of 202,200 immigrants living in El Paso, Texas are Mexican nationals.\textsuperscript{37} These data do not specifically state the number of Mexican-born workers in the El Paso workforce, yet it clearly approximates the composition of the workforce. To support this claim, as of 2017, approximately 35,000 cars and 20,000 pedestrians crossed the U.S.-Mexico border region.\textsuperscript{38} A great majority of these northbound commuters are crossing for work and are thereby large contributors to the American border workforce. Additionally, the border city of San Diego is another major metropolis bordering Mexico, reported 213,000 foreign workers in 2020. Of this population, the U.S. Immigration Policy Center reports that 39.1 percent were born in Mexico.\textsuperscript{39}

Neither one of the two largest cities on the U.S.-Mexico border have adequate data that quantify the number of Mexicans working in the United States while living in Mexico. However,

\begin{itemize}
\item \textsuperscript{37} “New Americans in El Paso, Texas: A Snapshot of Demographics and Economic Contributions of Immigrants in the Metro Area,” \textit{American Immigration Council}, 2022, 1.
\item \textsuperscript{39} Tom K. Wong, “Immigrant Integration in the City of San Diego,” \textit{U.S. Immigration Policy Center}, 2020, 4.
\end{itemize}
in addition to the high percentage of Mexicans in this region, close proximity to Mexico incentivizes workers to commute to American border cities because of its high employment opportunities and high willingness to be employed regardless of the job’s undesirable traits. Therefore, it is plausible to assume the foreign-born workforce has a Mexican majority that commutes daily. Although there are limitations in acquiring data quantifying the number of Mexican work-commuters, it is essential to bear in mind these unique conditioning factors as this thesis moves forward in the analysis of worker profiles.

This chapter next overviews the educational backgrounds and language constraints of foreign-born workers (most of whom are presumably Mexican) to posit that workers are more likely to undertake undesirable positions because these are the positions most available to workers. Furthermore, it will underscore that Mexican workers’ relationship with “undesired” industries demonstrates their willingness to accept these positions for the sake of providing for their families. As many work-commuters undertake undesired job positions that have high occupational hazards and historical labor abuses, it is clear that these American service industries capitalize on the labor of Mexican workers because of the co-dependent relationship between workers and the industries.

The foreign-born population has a legacy in outnumbering its native-born counterparts in labor intensive industries, which has created a dependency between American enterprises and foreign-born workers. Before the COVID-19 pandemic, the foreign-born working population grew by 660,000 people every year.\(^40\) This relationship provides a multitude of advantages for Mexican workers in comparison to alternative job opportunities (or lack thereof) in Mexico. Nevertheless, this complex allows U.S. companies to maximize production at the expense of

worker labor rights. Evidently, this is particularly harmful to Mexican work-commuters because this group has high stakes that increase their willingness to occupy these positions, and therefore increase their tolerance of labor rights violations.

*Education and Labor*

Mexican commuters maintain less desirable positions in the United States because of limited opportunities in Mexico and competition with other Mexican workers, particularly among those who do not have a college degree. Limited job opportunity in Mexico stems from two primary reasons. First, there are lower rates of individuals acquiring higher education if they come from low-income households. Second, there is little growth in Mexican businesses due to hundreds of self-employed workers, less productive small firms, and the large informal economy.  

According to the National Institute of Statistics and Geography (INEGI), the average years of schooling for people fifteen and over residing in Mexican states bordering the United States (Chihuahua, Sonora, Baja California, Nuevo Leon, Coahuila, and Tamaulipas) ranges from 10-10.43 years. Most students are enrolled in free public institutions, increasing their likelihood of attending school, yet, Mexico still ranks last in education among the Organization for Economic Cooperation and Development (OECD) countries.

According to the OECD, most Mexican children leave school with low-performance levels in literacy, math, and science. This may be in due part to a high level of children being

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employed while attending school. The National Autonomous University of Mexico (UNAM) reported that 3.6 million Mexican children and adolescents between the ages of 5 and 17 years old are already employed. The employment of children in school can be integral to family financial stability, particularly in low-income households. However, balancing school and work at a young age can clearly impede on the development of the child’s pursuit of higher education and building of formal skills that could later be applied to higher-paying, more desirable occupations.

Nevertheless, it is significant to consider that if Mexico drastically improved its education sector, its current economy still would not have the capacity or opportunity to support a higher-educated, formally skilled worker force. Figure 1 demonstrates this dynamic by demonstrating the decline of average wages, despite the increase in education initiative in recent years.

![Figure 1: Returns to education in Mexico have been decreasing](image)

Figure 1: Returns to education in Mexico have been decreasing.

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45 Santiago Levy, “Will More Education Increase Growth in Mexico?”
According to Levy and Lopez-Calva, low productivity is impacted by the many small firms, self-employment, and informal work that exists in the Mexican government. These not only limit the demand for higher educated Mexican workers to occupy professional and managerial jobs, but also decline competitive and livable wages for less educated workers who are self-employed, involved in the informal economy, or are employed at smaller firms. These economic dimensions are pertinent to understanding why Mexican work-commuters are inclined to participate in the American workforce.

**Language**

Learning the English language is a vital skill for laborers in the American workforce, as most business exchanges are conducted in English throughout the United States. As demonstrated in Figure 2, the majority of workers in “Business and financial operations” and “Education instruction and library” have bachelor’s degrees as a minimum requirement for their position in their respective industries.

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46 Ibid.

These data underline that as the American workforce requires higher levels of educational attainment, levels of fluency in English also increase. This is especially significant for foreign-born workers who likely rely on their education in school to learn English as a second language. Because most workers who occupy less-desirable jobs come from a low-income, less-educated

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48 Ibid.
background, it is exceptionally important to consider how limited English proficiency, coupled with educational background, impacts their positions in the American workforce.

Importantly, Southern border regions in the United States are somewhat of an anomaly to the rest of the United States because these communities are largely bilingual in English and Spanish. In San Diego, for example, Spanish dominates as the main language spoken at home, and of the foreign-born population, 65.1 percent speak Spanish and 50.9 percent consider themselves limited English proficient. Spanish does not merely rival English in these communities, but instead is used through all facets of border life. Yet, there is no denying that there remains a significant proportion of foreign-born workers who are only able to operate in narrow occupational niches, or within the Latino community due to their low English proficiency. While border communities have adapted to both languages, low fluency in English persists to limit Spanish-dominant workers to some of the lowest-paying, most labor-intensive jobs.

The following service-industry worker profiles will examine foreign workers’ education, language, and socioeconomic background in light of the jobs’ strenuous nature. Additionally, the following worker profiles highlight unfair labor practices that make these industries particularly risky. This indicates a real vulnerability for Mexican laborers, particularly because this group already faces additional challenges while crossing the border for work.

Agriculture

The first industry that is heavily occupied by Mexican foreign-born workers is the agricultural industry. Its workforce is comprised of two groups: American family farmworkers and externally hired workers. Of the 1.18 million farmworkers hired outside of families, 63

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49 Tom K. Wong, “Immigrant Integration in the City of San Diego.”
percent of crop workers were born in Mexico, while only 30 percent were born in the United States and Puerto Rico.\textsuperscript{51} Crop work is seemingly the most employable position because it is in high demand. Although the weekly average number of hours worked is standard (46 hours per week), the work is onerous, often dangerous, and underpaid.\textsuperscript{52} Some of the dangers farm laborers experience include injuries from farm equipment, heat exhaustion, and exposure to pesticides.

Like the other service industries in this chapter, the agricultural industry also requires the enforcement of safety mechanisms that protect workers from the inevitable dangers tied to strenuous responsibilities. These safety mechanisms are required by the Occupational Safety and Health Act of 1970 (OSH Act). In the agricultural industry, employers must train crop laborers to minimize their exposure to harmful chemicals used in pesticides, provide guides on how to safely utilize machinery, and allow sufficient restroom and water breaks to prevent heat exhaustion. However, it is unclear as to what extent these provisions are taken to ensure that these rights are protected on a regular basis.

The OSH Act requires farm work employers to provide adequate access to drinking water, toilets and water for washing hands afterwards, and yet some workers still report employer negligence in meeting these basic standards. According to the 2019-2020 National Agricultural Worker’s Survey (NAWS), 99 percent reported they had access to toilets and water to wash their hands afterward; eight percent reported they were not given drinking water and cups throughout the workday; 32 percent did not receive pesticide training; and only 21 percent said they would have insurance coverage if they were injured while at work.\textsuperscript{53} While there are

\textsuperscript{51} “Findings from the National Agricultural Workers Survey (NAWS) 2019-2020: A Demographic and Employment Profile of United States Farmworkers” (U.S. Department of Labor, 2022), 53, https://wdr.doleta.gov/research/details.cfm?q=naws&id=2707#text=In%202019%2D2020%2C%2063%20percent%20in%202017%2D2018.
\textsuperscript{52} Ibid., 35.
\textsuperscript{53} Ibid, 26-27.
some bases of protection for agriculture worker rights, the Occupational Safety and Health Administration and independent accountability organizations fail to provide data presenting the regularity in which these services are provided, or what was done to mitigate the health and injury-based risks faced by high percentages of workers.

Despite the risks associated with farm work, crop laborers earn an average wage of $13.59 an hour.\textsuperscript{54} Evidently, this wage is not sufficient to sustain workers and their families, as 20 percent of them live under the poverty threshold.\textsuperscript{55} Low wages are impacted by educational and language constraints. According to NAWS, 62 percent of farmworkers reported they preferred to communicate in Spanish, and collectively had an educational background averaged to the ninth grade.\textsuperscript{56} In contrast, agricultural managers, most of whom are native-born workers, make approximately $27.57 per hour.\textsuperscript{57} These two groups require different credentials to perform their responsibilities effectively, specifically as managerial positions need English proficiency for office duties. Yet, it is still worth noting the comparison to further demonstrate the wage gap between professional and managerial positions.

Of the Latino farmworker population, 26.6 percent are considered international shuttlers, which aligns with this thesis’ definition of its term, work-commuter. This group is categorized as such because of the worker’s position in traveling up to 75 miles between their home (which is primarily located in Mexico) and worksite located in the United States.\textsuperscript{58} For foreign-born agricultural workers living in Mexican border cities, these wages endure for longer periods

\textsuperscript{54} Ibid., 35.
\textsuperscript{55} Ibid., 41.
\textsuperscript{56} Ibid, 13-16.
because the cost of living is lower in Mexico than in the United States. However, Mexican workers-commuters are often excluded from migrant farmworker social welfare programs—programs that are essential in securing benefits that would otherwise not be offered to these more vulnerable communities. Approximately 69.7 percent of international shuttlers did not have access to worker’s compensation, 81.8 percent did not have unemployment insurance, and 93.2 percent did not have health insurance. While it is unclear as to why this group did not participate in these free public assistance programs, it can be assumed that there may have been a lack of awareness for these programs due to managerial negligence, or education and language barriers.

Crop work is distinct because although it is physically demanding, its job turnover rate is lower than that of other industries. The average age of crop workers is 41 years, and nearly 20 percent of American and foreign-born workers were 55 and older. Laborers who are older are more likely to continue working into retirement age, especially for workers traveling internationally between their worksite in the United States and home in Mexico. Circling back to education, low rates of turnover may be linked to low levels of education to hinder socioeconomic mobility, despite working an extended time period in a specific occupational group. There is little room for development in farm work, particularly if workers do not have an education beyond junior high school and limited English proficiency. Thus, workers maintain these positions out of necessity to protect the financial stability of their households.

Construction and Landscaping

Construction and landscaping are two industries that face high levels of risks affecting its workers. It should be notes that there are few data in landscaping that quantify how many

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59 Ibid., 161.
60 Ibid., 10.
workers are impacted by occupational hazards. However, examining the risks of construction should parallel the risks in landscaping, unless stated otherwise.

For construction, its manual-labor nature makes it such that workers are required to be physically strong to fulfill their role. The majority of construction laborers are expected to carry items averaging 58.8 pounds, making them vulnerable to injury from the overexertion of their bodies when lifting and lowering of heavy objects.\(^6^1\) Work site projects persist in hot summer and cold winter months, through rain, wind, snow, etc., and workers are expected to continue working through these conditions. Furthermore, in construction and extraction, there are four major causes of fatal injuries: falling, being struck by an object, electrocution, and being caught in/between objects. According to the Construction Chart Book, 70 percent of fatalities in the industry were caused by the aforementioned causes.\(^6^2\) An additional risk not mentioned above is exposure to hazardous contaminants through inhalation, ingestion, or physical contact. In 2020 alone, there were 21,300 nonfatal workplace injuries, which further demonstrates how common it is for workers to become injured while on the job.\(^6^3\)

Landscapers experience similar occupational hazards as they perform tasks in, “sod laying, mowing, trimming, planting, watering, fertilizing, digging, raking, sprinkler installation”, etc.\(^6^4\) Many of these tasks require the use of hand or power tools and equipment, which possess their own set of hazards, particularly if workers are not properly trained or have access to personal protection equipment.

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\(^6^3\) Ibid.

Although there are protective mechanisms put in place to prevent accidents from occurring, laborers are still at risk of injury. These risks are exacerbated when construction laborers are near moving mechanical parts. While 60 percent of workers are in close proximity to moving mechanical parts, the U.S. Department of Labor reports that only 50 percent use personal protection equipment (PPE) to mitigate these risks. Occupational hazards are likely to become more frequent when construction companies do not provide adequate protective equipment.

Occupational hazards and labor-intensive conditions disproportionately impact foreign-born workers, particularly as they comprised 13.4 percent of the construction industry in comparison to 8.2 percent of native-born workers across all occupations in 2019. Continuing under the assumption that the majority of foreign-born workers are Latino and presumably Mexican, it is notable that the construction industry does not require high educational levels. Figure 2 demonstrates that the occupational group, construction and extraction, usually does not require workers to have any educational background. Because many Mexican workers in the United States have not completed high school and are not English proficient, it can be assumed that the majority of workers undertake labor-intensive responsibilities. In comparison to their American-born counterparts, native-born workers have a higher flexibility in occupational mobility because they are more likely to have higher levels of English fluency and education.

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67 “Half of Civilian Workers Required over 1 Year of Preparation Time to Perform Their Jobs in 2022.”
Nichole Helmick and Jeremy Petosa found wage differences, where foreign-born workers earn approximately $800 weekly, whereas native-born workers make over $1,000.68

The reality is that educational and language credentials set Mexican workers apart from native-born workers. If an occupation requires supplemental credentials, which evidently limits who qualifies for a higher paying job, then many Mexican workers are not eligible for these positions. Therefore, many workers will remain in their positions, and may become complacent to the accepted risks and occupational hazards that they are exposed to regularly.

**Women and Domestic Work**

The aforementioned worker profiles specifically home in on male work-commuters because the majority of workers in construction, landscaping, and agriculture in the United States are male. This is also true for workers in the Mexico. In 2021, 43.8 percent of females participated in the Mexican workforce in comparison to 75.4 percent of males.69 Differences in gendered participation in these workforces can be linked to traditional gender roles such that men typically act as the primary financial provider for their families. According to Mary C. King, Mexican women who have children are less likely to participate in the workforce as they occupy unpaid positions working to support their families. However, with a recent shift in gender roles, women are more likely to split financial responsibilities with their spouse.70 For single women, many have no other choice but be the breadwinner for their family.

As discussed in Chapter 1, the rise in maquiladoras in Mexican border cities through the expansion of foreign direct investment led to high demand for workers in this industry. Demand

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for more workers was met through the recruitment of women.\textsuperscript{71} Subsequently, employers preferred employing women over men as they were regarded to be more docile and tolerant of labor law violations and harsh conditions.\textsuperscript{72} Work in maquiladoras provides a small sense of security in the formal job sector, which is a rare quality to find in the informal economy. The Organization for Economic Co-operation and Development (OECD) reports women face many challenges in acquiring work, especially because 67 percent of women do not have high levels of education or training experience.\textsuperscript{73} Therefore, there is a limited pool of opportunities available to this group, which leads to women accepting jobs in maquiladoras, or resorting to work in the informal sector. Informal work, however, often leads to low social security and low wages, which ensued many women to commute to American border cities, just as it did with Mexican men living in Mexican border cities.\textsuperscript{74}

Furthermore, female work-commuters are more likely to obtain positions in domestic work. As of 2005, there were 77.2 percent of women working in Individual and Family Services (domestic work), which is comprised of three main occupations: housecleaners, nannies, and care workers for those with disabilities and the elderly.\textsuperscript{75} There are no data quantifying the number of Mexican work-commuters within this industry; however, with 34.7 percent being foreign-born, it can be assumed that the majority of foreign-born workers on the U.S.-Mexico border are Mexican, and possibly commute across the border for work. In comparison to the aforementioned industries, there are only 28.3 percent of women in agriculture, 11.3 percent in

\textsuperscript{75} Ibid.
landscaping, and 10.9 percent in construction. These data also do not account for the percentage of foreign-born female workers, much less those specifically commuting to and from Mexico. In reality, the percentage of female work-commuters in these industries is very small compared to their male counterparts. This thesis includes domestic work because the majority of labor abuses in this industry have a profound impact on female workers, some of whom identify as work-commuters. As many workers come from low socioeconomic backgrounds and endure challenges with legal work authorization, these characteristics make domestic workers especially vulnerable to exploitation.

The occupational risks and labor abuses associated with domestic work are uniquely dependent on how workers are recruited and whether these positions are contract based. The majority of contracted employees (an average of 64.5 percent) are hired through an agency and are usually care workers for the elderly and disabled individuals. For those working in individual households, such as nannies and housecleaners, only 13 percent and three percent have contracted relationships with their employers, respectively. It is reported that jobs without contracts are more likely to experience high levels of abuse. However, contracts alone do not fully ensure labor protections.

There are several reasons why contracts are ineffective for domestic workers. As a large proportion of workers are foreign-born, many workers are unaware of their rights as workers, are intimidated by their employers, and can be fearful of deportation. These factors contribute to 67

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percent of domestic workers in the U.S.-Mexico border not having formal contracts with their employers. Furthermore, it can also be difficult to outline worker protections if domestic workers are not provided with resources for these particular issues. Only 15 percent of workers understand the terms of their contracts and as the vast majority of domestic workers are employed in private homes, where isolation in these worksites can worsen labor abuses. As 2.2 million workers work in private homes in the United States, these conditions make workers more vulnerable to labor law violations that include insufficient wages, excessive work hours, little to no access to benefits, etc.

Furthermore, domestic workers who are foreign-born, regardless of documentation, are most vulnerable to these risks. For example, the Fuerza del Valle Workers reports that 11 percent of green card holders and 35 percent of unauthorized workers were either paid less than what was agreed or not paid at all. Many employers feel as though they can underpay workers of these immigration statuses because of their fear in getting deported. Weaponizing deportation can coerce many workers in complying with unfair and abusive work conditions. For work-commuters, deportation threatens their financial stability, especially for dual-income households or single women. Work-commuters continue seeking domestic roles because of the higher wage in comparison to Mexican wages; however, instilling more protections for these group is necessary for individual workers, but also for sustaining an essential workforce.

Eloisa is a domestic worker born in Anaheim, California and was only 26 years old at the time of her interview. After moving to Tijuana, Mexico, she decided to work as a caregiver for

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79 Ibid, 11.
81 “Living in the Shadows: Latina Domestic Workers in the Texas-Mexico Border Region.”
82 Ibid, 4.
elderly people in Point Loma, California to earn higher wages in the United States. As a work-commuter, she leaves her home in Tijuana at 6:00 a.m. and commutes to her worksite within an hour. She recounts that although she makes $10 an hour and is paid a higher rate if she was on-call for a 24-hour period\textsuperscript{83}, she questions if she can sustain this job in the long-term. Long and onerous work shifts coupled with the commute can dim many work-commuter’s desire to occupy these positions. This testimony is privileged in many ways because Eloisa is an American citizen and is thereby protected to work in the United States, avoiding the struggles that many work-commuters endure. Yet, her story is a reminder that work-commuters can only endure so many abuses. It is in the best interest of the government to prioritize the socioeconomic protection of vulnerable workers to ensure their occupation of essential jobs.

**Professional and Managerial Positions**

The scarcity of professional and managerial work-commuters has been mentioned throughout this chapter. Mexican work-commuters are restricted to many low-paying jobs that face higher risks because of their education background and language barriers. According to the Bureau of Labor Statistics, only 35.2 percent of foreign-born workers occupied these positions in 2021\textsuperscript{84}. Given the aforementioned education and economic background of Mexico, this number is plausibly lower because of these barriers.

As most managerial and professional positions require higher levels of education, less than 50 percent of Mexican foreign workers are eligible to occupy these positions\textsuperscript{85}. For work-commuters who already have managerial and professional jobs, their experience in the American


\textsuperscript{84} “Foreign-Born Workers: Labor Force Characteristics-2021.”

workforce is vastly different in terms of labor conditions, even if they are in less-desirable industries. The work is less onerous as these positions are usually more administrative. yet, professional and managerial work-commuter still endure commuting daily, which is still in and of itself exhausting. Conditions about commuting across the U.S.-Mexico border will be highlighted in the next chapter.
Chapter 3: The Migration of Work-Commuters

The nature of traveling between their homes in Mexico and jobs in American border cities is an inherent characteristic of the work-commuter profile. Yet, moving across international borders and acquiring work authorization poses three unique challenges for workers. First, worker-commuters must account for the maximum amount of time it takes traveling to work to ensure their timely arrival; second, most workers apply for work visas through Customs and Border Protection to gain work authorization in the United States; third, work-commuters are often subject to frequent discrimination from border patrol agents.

Workers wake up at early hours of the day as it takes approximately two hours to cross into the United States from Mexico.\textsuperscript{86} It should be noted that these two hours do not account for the time it takes to arrive at the crossing site. Living far from the border can adds more commute time. Furthermore, workers must also account for the time it takes to return home after work. An additional one to two hours commuting back to their homes in Mexico is tiresome and robs individuals of personal time to spend with their families, eat dinner, invest in hobbies, and unwind after a dedicating eight to twelve hours to their jobs. If a work-commuter wakes up at 5:00 a.m., commutes to their job from 6:00-8:00 a.m., works a total eight hours, and commutes back home from 4:00-6:00 p.m., they only have about three hours to engage in personal time before going to bed. While these conditions are subject to change per individual, this scenario broadly represents a universal work-commuter experience that outlines the challenges in moving across international borders.

Second, applying for work visas is typically a time-consuming process that adds additional obstacles for work-commuters to work in the United States legally. Work visas are

granted on a rolling basis and must be renewed periodically. These conditions depend on the type of visa Mexican workers apply for and the demand of applicants. Work-commuters are most likely to obtain Employment-Based Immigration Preference (EB-3) visa, which gives permanent work authorization to skilled workers, professionals, and unskilled workers; TN NAFTA Professionals visa, which permits Mexican professionals to work in NAFTA related industries temporarily; H-2A Temporary Agricultural Workers, which provides temporary work authorization to foreign workers in agriculture; and H-2B for Temporary Non-agriculture Workers. Application wait times can range from fifteen business days to two years, which can be a frustrating experience for applicants who are eager to work lawfully in the United States.

Last, exposure to discrimination from border patrol agents can be humiliating for work-commuters. Being treated with respect is an important on an individual level, but also because work-commuters occupy essential work positions that are essential to the function of the American economy. For example, performing unwarranted searches or other mistreatments as work-commuters cross the U.S.-Mexico border reinforces a social hierarchy between border patrol agents and commuters, such that agents abuse their authority.

Furthermore, these challenges imply that work-commuter burnout is likely to lead to early retirement from working in the United States, thereby denying the U.S. workforce of essential Mexican workers. According to Dwight Steward et al., most Mexican foreign workers participate in the American workforce anywhere between 6.1 to 11.1 years. While there are many confounding factors (gender, age, class) that impact their worker lifetime in the United

States, the American and Mexican governments leverage their resources to minimize deterrents. As the American workforce largely relies on foreign laborers to satisfy labor demands in less-desirable industries, adopting effective policies in immigration could help maintain the foreign worker population in American border cities. To further examine work-commuter profiles as it relates to crossing the U.S.-Mexico border, this chapter will include personal testimony from Mariana and Emilio, two work-commuters from El Paso, Texas working in the construction industry. However, this chapter will first preface their lived experiences through providing data that are necessary in understanding the processes related to commuting.

**Commuting**

One major challenge for work-commuters is being subject to long wait times on the U.S.-Mexico border; moreover, wait times can vary depending on the lane commuters select. There are three lanes of traffic: General, Ready Lane, and Secure Electronic Network for Travelers Rapid Inspection (SENTRI). As the name suggests, General Lane accepts any vehicle, except for semi-trucks. These lanes are accessible and free for all commuters yet are the most costly in terms of time. Ready Lanes allow commuters to shorten their processing time by pointing Radio Frequency Identification (RFID) technology traveler cards to a reader that processes traveler information within 30 seconds.⁹⁰ Valid documentation for Ready Lanes includes: U.S. Passport Cards, Enhanced Driver’s Licenses, Enhanced Tribal Cards, Enhanced Border Crossing Cards, Enhanced Permanent Resident Cards, and Trusted Traveler Program, such as SENTRI cards.⁹¹ SENTRI lanes expedite legal entry for low-risk travelers at a higher rate than Ready Lane.

Before accessing this lane, travelers must undergo extensive background checks and interviews,

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and pay an annual premium.\textsuperscript{92} Deciding which lane to utilize is imperative for work-commuters as their daily lives are impacted by wait time that largely depend on the lane they select.

Nevertheless, each lane has their own set of limitations that prevent lanes from reaching optimal efficiency, through reducing border wait time. The limitations with All Traffic are obvious; because general lanes are open to everyone, and are of no cost to use, there is a high demand for all commuters to utilize these lanes. On April 11, 2023, the largest port of entry on the U.S.-Mexico border in San Ysidro, California had an average wait of 120 minutes for All Traffic. On the same day, the average wait time for Ready Lane and SENTRI were 80 minutes and 16 minutes, respectively.\textsuperscript{93} Although Ready Lane wait times clearly reduced from General on this particular day, processing time still remains on the higher end because some commuters who do not have appropriate documentation utilize this lane. According to Frank Chavez, the Chief of U.S. Customs and Border Patrol, these lanes are often misused by commuters, which leads to processing times slowing down.\textsuperscript{94} Inefficiencies of Ready Lane depress expedited border crossings, making them operate very similarly to General lanes. Therefore, acquiring the additional RFID documentation appears to be generally futile if DHS employ measures that encourage commuters to utilize the correct lane.

SENTRI provides greater fluidity crossing the border. During her interview, Mariana shared differences between SENTRI and General lanes, “I have the SENTRI pass, so it is not as complicated for me. It is a privilege to cross quickly. The first year [I worked in the United States], I did not have the SENTRI pass. It is cumbersome because now there is a lot of people who cross for school and many people are going to work so the wait times to cross are very high,

\textsuperscript{93} U.S. Customs and Border Protection, “Border Wait Times.”
\textsuperscript{94} Lorena Figueroa, “CBP to Educate Commuters Use of Ready Lanes.”
like one hour to an hour and a half.” SENTRI lanes are the provision closest to achieving frictionless border crossings. This is due in part to its limiting of membership eligibility to low-risk commuters. Members do not receive time consuming intensive inspections, in comparison to General and Ready Lane, which profoundly reduces wait times.95

However, SENTRI’s extensive background check and economic premium prevents a large proportion of low-income work-commuters from accessing this program. As background checks explore applicant’s criminal and immigration history, any crime (including petty crimes) and violations of immigration laws could jeopardize applicant eligibility.96 Family members of deported individuals have found that they are ineligible for SENTRI. Immigration attorney, Nicole Ramos, highlights that the wives of deported men are often most impacted by rejection of SENTRI. She underscores that many border town women, who are married to undocumented men, step into the role as primary financial provider.97

Furthermore, SENTRI’s economic premium potentially discourages lower income work-commuters from attaining this membership. For a five-year membership, the application requires a $122.35 processing fee, and for each renewal, this fee much be paid again.98 For workers earning low wages, this premium can be a steep investment that negatively impacts their household finances. Limiting work-commuter participation in expedited crossing makes working in the United States that much more difficult. Lack of alternatives for work-commuters to access

95 “Inspection of the Secure Electronic Network for Travelers’ Rapid Inspection.”
expedited processes could potentially discourage this group from working in the United States altogether, which would be detrimental to the American economy.

**Border Agent Attitudes**

Border patrol agents also follow a prescribed worker profile that requires them to carry out national security objectives as they process the thousands of commuters who cross the U.S.-Mexico border daily. A job that requires agents to inherently adopt discriminatory checks to gauge potential threats to American security collaterally subjects commuters to nonessential inspections and potentially humiliating questioning. Discriminatory checks typically target work-commuters who have little to no English-speaking skills, are carpooling with other work-commuters, or if commuters work in less-desirable industries mentioned in Chapter Two.

Bad attitudes toward work-commuters are not strictly reserved for workers who work in low-paying, physically demanding positions. Discriminatory practices can also applied to workers in professional and managerial positions. In Hector Antonio Padilla Delgado’s book, *En el puente con la migra anecdotario de la vida fronteriza*, Padilla Delgado writes about his negative experience crossing the U.S.-Mexico as a visiting professor at the University of Texas at El Paso. He recalls a time when he commuted to work from his home in Ciudad Juarez when the CBP agent took their line of questioning further. He recounts speaking to the agent in Spanish, which is typical given the bicultural community in American and Mexican border cities. Refusing to talk to Padilla Delgado in Spanish, she criticized him for not knowing English, although he was a professor teaching Spanish classes at UTEP.99 These attitudes toward work-commuters, who primarily speak Spanish in these bicultural communities, provides a glimpse into negative perceptions of Mexican workers in one fact of commuting.

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99 “Inspection of the Secure Electronic Network for Travelers’ Rapid Inspection.”
Recognizing these trends is not meant to generalize border patrol agents but instead intends to outline their biases and attitudes, as these factors inevitably impact the way inspections are conducted. A study by Brittny Mejia highlights the story of Salvador Zamora, the acting chief patrol agent for El Centro, as of 2016. Zamora reflects, “This is something I know burns inside a lot of the Hispanic candidates—is what do I say, what does this mean, to arrest somebody from my own, maybe my parent’s hometown […] It’s real simple: It’s the law. It is right and wrong. It is not against any one race or any one ethnic group or any one particular group of people.” As the primary goal of border patrol agents is to uphold national security, work-commuters who are categorized as high-risk travelers are often exposed to unwarranted inspections and negative attitudes from border agents. With over 50 percent of Border Patrol identifying with Latino descent, these discriminatory policies are shocking. Like any other worker in the American workforce, Mexican work-commuter deserve to be treated with dignity and respect, especially as they travel to work.

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Chapter 4: Policy Recommendation and Concluding Remarks

Work-commuters are integral to the growth of the American economy. However, as outlined in this thesis, labor and immigration policy clearly do not maximize protections for this group. The scarcity of information regarding work-commuters and the utilization of ineffective labor and border strategies is representative of how this group is under-prioritized by American and Mexican governments. Since the foreign-born workforce has curtailed significantly since the COVID-19 pandemic, with a two million worker decrease, these governments must find new strategies support work-commuters to not only defend the rights of migrant workers, but to also encourage economic stability.101 Thus, this thesis recommends increased enforcement of labor trainings, outreach, and inspections from accountability offices, like OSHA as well as the implementation of “Smart Borders” to enhance crossing efficiency.

Labor Policies

Mexican work-commuters presumably spend more time in the American workforce due to their close proximity to their families in Mexican border cities. However, their challenges in the workplace are similar to other foreign workers working and living in the United States. Therefore, this section will utilize data about general foreign workers to underscore work-commuter challenges. A large proportion of Mexican migrants work in the United States for a short period of time, ranging between 6.1 and 11.1 years, but as Mexican workers grow in importance for occupying “low-skilled” jobs, it is important to extend their time in the American workforce.102 Foreign worker lifetime in the American workforce has decreased with the retirement of older Mexican workers and introduction of younger generations entering the

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American workforce. For example, in the agricultural industry, the median tenure for workers aged 55-64 is 9.8 years, while younger workers aged 25-34 is 2.8 years. However, these data represent a general foreign worker profile because workers eventually return to their home country. The lifestyle and challenges of work-commuters are different because of worker-commuter’s close proximity to their home country. Therefore, it is plausible that Mexican work-commuter have a longer lifetime in the American economy than general foreign workers. Though, it is important to consider work-commuter’s connection to labor-strenuous jobs that are more prone to labor abuses. These risks still function as deterrents that likely discourage workers from holding positions for long periods of time. Thus, the United States must review its enforcement of labor rights to reduce deterrents for work-commuters, and more broadly, those who occupy positions most prone to labor abuses and high occupational hazards.

Strengthening strategies already employed by Occupational Safety and Health Administration (OSHA) pose an effective way of enforcing labor rights. Increasing workplace investigations through OSHA could prevent labor abuses and occupational hazards, which hurt many workers daily. According to the U.S. Department of Labor, a 2012 study showed a nine percent decline in injury and 26 percent decrease in injury-related costs when OSHA performed inspections. Consequently, more inspections would significantly benefit work-commuters who primarily occupy positions in high-risk industries, such as construction, landscaping, and agriculture.

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For instance, farmworkers’ exposure to excessive heat, unsanitary conditions, and pesticides increases their risk of developing health problems.\textsuperscript{105} While some risks are inherent to the nature of specific jobs, especially ones that are physically demanding, workers should have effective resources and protection measures to prevent exploitation and poor health. Many farmworkers work long hours without the proper safety equipment. Increased workers’ protections would also incentivize foreign workers to spend more time in the United States’ economy, bringing valuable work experience and satisfying a high demand in jobs for these positions.

OSHA’s inspections could assist in detecting labor abuses. OSHA currently conducts random inspections for over seven million worksites. Given the substantial number of sites under their jurisdiction, safety and health inspectors prioritize hazardous workplaces in the following order: imminent danger situations, severe injuries and illnesses, worker complaints, referrals, targeted inspections, and follow-up inspections.\textsuperscript{106} With the employment of a meager 1,850 inspectors conducting 24,333 inspections in 2021, OSHA’s prioritization system is most logical in addressing workplace safety and health hazards.\textsuperscript{107} With that being said, this agency clearly does not have enough resources or manpower to increase its rate of inspection, and it is compelling to consider the millions of workers whose reports go unaddressed. To better equip OSHA to conduct more inspections, the DOL should increase OSHA’s budget and number of inspectors conducting investigations. Increasing the agency’s capacity to address workplaces

with the highest risk could substantially improve work conditions experiences by work-
commuters in high-risk industries.

Getting workers to report abuses in the first place remains a challenge. Cooperation
between OSHA and workers experiencing hazardous conditions (without training or PPE) or
labor abuse firsthand is essential to improving work conditions. In 2021, Alejandro N. Mayorkas
proposed the “Worksite Enforcement: The Strategy to Protect the American Labor Market, the
Conditions of the American Worksite, and the Dignity of the Individual”, a memorandum that
aims to reduce unsafe work conditions and exploitation of workers by their employers.\textsuperscript{108}
Mayorkas explains this can be achieved by increasing report violations by coordinating
cooperation among the Department of Homeland Security (DHS), Department of Labor (DOL),
the Department of Justice, Equal Employment Opportunity Commission, National Labor
Relations Board, and state labor agencies to launch investigations of these abuses.\textsuperscript{109}
Nevertheless, these investigations cannot be launched without addressing foreign worker fear of
employer or governmental agency retaliation against them. As many foreign workers are not
American citizens and greatly depend on their employment to maintain work visas, workers may
fear repercussions from their employer, company, or deportation from U.S. Immigration and
Customs Enforcement. Mayorkas addresses this by urging the DHS and DOL to adopt
“immigration enforcement policies” to mitigate this fear.\textsuperscript{110} After two years of advocating for

\textsuperscript{108} Alejandro N. Mayorkas, “Worksite Enforcement: The Strategy to Protect the American Labor Market, the
Conditions of the American Worksite, and the Dignity of the Individual” (U.S. Department of Homeland Security,
\textsuperscript{109} Ibid, 2.
\textsuperscript{110} Ibid, 2.
this policy, it was not until January 2023 when DHS officially agreed to grant deferred action for workers who speak out against workplace abuses.\textsuperscript{111}

Furthermore, as of March 2023, OSHA has become a certifying agency of U and T visas, which grant temporary immigration status to victims of either “qualifying criminal activities” or human trafficking to those willing to assist in the investigation of these crimes.\textsuperscript{112} This provision aims to incentivize foreign workers to report labor abuses, while minimizing fear of deportation, as they would be eligible to utilize these visas. Working in conjunction with increased OSHA inspections, this policy could significantly target workplaces that violate the rights of vulnerable populations, specifically Mexican work-commuters. However, to make this policy more effective, OSHA under the DOL must increase accessibility to this information so that foreign workers are more inclined to utilize this resource. This can be done through community outreach from the private sector to ensure that correct information is circulated so that workers are more inclined to report abuses and keep employers.

\textit{Immigration Policies}

Addressing obstacles in commuting across the U.S.-Mexico border is an inherent characteristic of the work-commuter profile. As discussed in Chapter 3, dedicating long periods of time to crossing the U.S.-Mexico border takes away from work’s personal time. Additionally, although there is high incentive for Mexican border residents to work in the United States, the biggest deterrent for workers to enter the American workforce is linked to border wait times. These wait times are intrinsically tied lane selection at ports of entry.


In 2021, U.S. President Biden and Mexican President Andrés Manuel López Obrador signed the Bipartisan Infrastructure Law, which includes the modernization of land ports of entry on the U.S.-Mexico border. The investment of $3.4 billion from the United States and $1.5 billion from Mexico aim to, “improve commerce and trade; enhance border security; create good-paying construction jobs; incorporate new and innovative sustainability features […]” President Biden also committed to improving labor migration pathways and worker protections. As this initiative is already underway, it is essential that the United States and Mexico consider the challenges faced by work-commuters (and broader border city residents) as they commute daily, are subject to long lanes and find viable solutions that will decrease wait times.

The division of lanes at the U.S.-Mexico border is representative of a socioeconomic divide, such that the majority of low-income migrant workers must resort to General and Ready Lanes, while a small proportion of workers can actually access expedited processes in SENTRI. Inaccessibility to expedited crossings can be harmful to work-commuters’ personal wellbeing, as they dedicate three to four hours being in traffic at the ports of entry. Additionally, reduced border wait times also benefit the economic productivity of border towns, with the increase of $1,200 per person annually. When asked about policy changes for the border Emiliano commented:

I do think they could do better with the flow of traffic from El Paso to Juarez.

They spent like three years remodeling America’s Bridge, so they were closed for


two years—I don’t remember how long. So, they spent these huge amounts of money remodeling that out, [just] for the CBP’s to open one [lane of entry].

More importantly, the United States and Mexico should focus its investment on border improvements by adapting an additional traveler program to meet the needs of Mexican work-commuters. Many work-commuters are unable to access expedited crossing after being rejected from programs like SENTRI. Given SENTRI’s requirement in providing fluid mobility across the border for “low-risk” individuals, many Mexicans have been rejected, despite their frequent crossings for work. This new program would employ another pre-check program, specifically for workers, to minimize border wait times. Because some workers would still not be considered “low-risk”, this program is not excepted to be as fluid as SENTRI but can still aim to reduce wait times. Reducing border wait times by only ten minutes positively impacts the U.S. economy by $5.4 million a year.\(^{115}\)

As the United States and Mexico cooperate with the expansion and renovation of the U.S.-Mexico ports of entry, they need to shift their objectives from national security to investigating how these updates will impact the thousands of individuals utilizing these systems daily.

**Conclusion**

The increase in demand for jobs in construction, landscaping, agriculture, and domestic work reflects another period in history where the United States needs to supplement labor shortages in less-desirable industries with foreign labor. The American economy is in desperate need of filling job vacancies in these industries, as native-born Americans seek higher-paid

positions, particularly following the labor shortages resulting from the COVID-19 pandemic.\footnote{116} These industries, which are described to be less-desirable throughout this thesis, are the jobs most in demand and most foundational to the American economy. Moreover, while foreign workers still supply a large proportion of workers in these industries, some analysts project this to change with an aging American workforce and a newer generation of workers who are less inclined to occupy these positions.\footnote{117} As the United States and Mexico are the primary beneficiaries of Mexican labor, they must offset the cost of commuting and enforce labor protections in these industries as a structural requirement.

As previously mentioned, exploring the duality of the work-commuter profile provides a glimpse into two crucial aspects of Mexican-American border life. By examining the intersecting issues in labor and migration affecting Mexican work-commuters on the U.S.-Mexico border calls attention to these issues that impact non-work-commuters, many other workers could see positive impacts, especially undocumented individuals and U.S. born workers in these industries.

Furthermore, evaluating why Mexican work-commuters rely on American jobs to sustain their livelihood in Mexico is representative of broader issues in the Mexican economy. As mentioned in Chapter 2, low education levels and numerous pockets of informal work not only drive down wages but also worsen socioeconomic inequality in Mexican society, which often drives work-commuters to find work in the United States.\footnote{118} As of 2020, the wealthiest ten

\footnotesize{\textsuperscript{116} Giovanni Peri and Reem Zaiour, “Labor Shortages and the Immigration Shortfall,” 2022.}  
percent of Mexicans control 43 percent of the country’s total income. The poorest ten percent of Mexicans hold less than two percent of national income. As lower-income Mexican find better-paying jobs in the United States, many workers continue to face challenges in their occupations.

Lastly, the United States and Mexico have become the beneficiaries of a system that is built on the capitalization of vulnerable migrant workers and have little priority in providing security and equitable systems of labor. These nation-states have the opportunity to work bilaterally to ensure the aforementioned policy recommendations are implemented effectively. As work-commuters continue to supply needed labor in these industries, which provides vital for economic growth for both countries, border and worksite improvements should support these initiatives.

119 VANESSA RUBIO, “This Isn’t the Path to Solving Mexico’s Inequality,” Americas Quarterly, October 21, 2020, https://www.americasquarterly.org/article/this-isnt-the-path-to-solving-mexicos-inequality/.
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