

The Mexican Consular Network as an Advocacy Institution

There is a limited but growing literature in the field of international relations regarding how sending states engage with their diasporas on demands for social protection. The programs offered by Mexico's consular network are situated within a larger set of policies aiming to respond to the social vulnerabilities faced by its nonresident citizens. Most sending states in Europe and Latin America have developed some infrastructure on this front, ranging between *descriptive* (mainly a consular network presence offering basic services) and *substantive* (providing rights and services that address social welfare needs of nonresident nationals) (Lafleur and Vintila 2020; Pedroza et al. 2016). Several Western European countries with robust welfare systems have the capacity to offer substantive diaspora infrastructure to their nonresident citizens living abroad by providing or facilitating access to concrete welfare services for nonresident nationals, thanks to bilateral agreements with host countries. For example, French citizens living abroad enjoy extensive health care services and contributory pensions offered by France's extensive consular network. In contrast, Latin American countries are less likely to offer substantive social protections to nonresident nationals working abroad. Part of the challenge is a matter of scale. While the French government is able to extend social services to a diaspora that represents less than 3 percent of the French population, the Mexican government is expected to offer services to the estimated 10 percent of its population who are emigrants, 97 percent of whom reside in the United States (Li Ng 2022).

In the late 1990s, the Mexican consular network expanded its offices throughout the United States and increased its volume of services related to documentation and civil, labor, and legal rights, as well as financial education, basic health services, literacy, and cultural programming. Perhaps it is not a coincidence that these changes followed an increase in the Bank of Mexico's annual estimate of family

remittances. Once the state was presented with data about the scale and impact of their contributions to millions of Mexican households, migrant workers could collectively start making stronger claims on it by demanding more consular services.¹ Remittances from Mexican immigrants reached \$20 billion in 2005 and \$26 billion in 2007. This revenue was exceeded only by oil exports and was generally on par with the level of foreign investment, placing Mexico at the top of remittance-sending countries worldwide. In the recessionary year of 2008, annual remittances from Mexican immigrants surpassed foreign investment (\$25 billion vs. 23 billion) (Mendoza González and Valdivia López 2016). Since 2014, remittances sent by Mexican immigrants have continued to grow steadily, reaching \$51 billion in 2021, with 95 percent of the total amount coming from the United States (Li Ng 2022). While Mexican consular services are decidedly not capable of expanding social welfare protections to all nonresidents living abroad, the Mexican government has a clear vested interest in addressing the basic needs of migrant workers in the United States, as their economic contributions represent an increasingly large share of the GDP (3.8 percent in 2020) and offer an escape valve from poverty to the 5 percent of Mexican households who depend on family remittances (Associated Press 2022).

Mexican emigrants living in the United States do not have access to special retirement programming; the Mexican government does not have any pension or social security agreement with the United States. Mexicans working abroad without health insurance cannot access Mexico's public universal health care system except through the Seguro Popular, a public health insurance offering minimal health care services to the families left behind using an annual sliding fee scale. Thus the bureaucratic diasporic infrastructure for most Mexican workers in the United States is limited to basic consular services aimed at informing low-wage workers how to access services in their local destination. They may be directed, for example, to health services offered by federally qualified health centers to undocumented workers, food pantries and literacy services offered through partnerships with local NGOs, and legal consultants for advice regarding workplace complaints.

To deliver on *both* descriptive and substantive services, the Mexican consular network and its representatives must navigate the legal mandates and cultural norms of at least four jurisdictions: the supranational instruments of international law, the national mandates of the Mexican government (and whatever political party is in power), the eternally polarized partisan politics of the United States (or of other host countries), and the subfederal (state and municipal) governments where the physical consular office is located. These mandates affect not only the parameters of diplomatic engagement but also the rights of migrant workers more specifically. In this chapter, we describe how each of these arenas shapes the ability to implement the Mexican government's aspirational promise to advocate for Mexican immigrants working in the United States. In the pages that follow, we provide the legal and institutional context for how street-level bureaucrats (at both

US labor agencies and the Mexican consulate) are implementing their mandate to address immigrant worker precarity. We assess the practical impact that these bilateral investments may have in the long run, beyond their symbolic importance for bilateral cooperation.

In this analysis, we use Lipsky's (1980) concept of street-level bureaucrats, understood as frontline governmental staff workers who directly administer and enforce labor and employment law in the United States or who offer direct social services in the Mexican consular network. These bureaucrats typically work for perpetually underfunded and overburdened organizations. We aim to understand how frontline staff prioritize their goals because of limited time and resources due to the chronic underfunding of services to meet the needs of precarious migrant workers. In the next section, we outline the framework for labor standards enforcement in the United States. We highlight the need for a co-enforcement model that engages relevant domestic civil society organizations as well as for the cross-border approach that has been embraced—to varying degrees—by diaspora bureaucracies.

LABOR STANDARDS ENFORCEMENT IN THE UNITED STATES: CHALLENGES AND OPPORTUNITIES FOR CONSULAR ADVOCACY

Several volumes have chronicled the specifics of US labor regulation and the many endemic challenges of a system in which employer compliance is elusive and companies race to the bottom in terms of labor rights in a globalizing capitalist world (e.g., Bernhardt, Milkman, and Theodore 2009; Parks 2014; Gleeson 2016). These dynamics have rendered migrant workers among the most vulnerable, leading both labor advocates and enforcement agencies to seek ways to promote their rights. It is in this context, and following immense grassroots pressure to hold both governments accountable for the workplace conditions of migrant workers, that a bilateral partnership has emerged between Mexico and the United States.

Workers and their advocates must navigate a multijurisdictional regulatory apparatus that both offers and frustrates opportunities for collaboration. While different statutory arenas often process their own claims entirely separately (e.g., wage and hour violations at the Department of Labor [DOL], sexual harassment claims at the Equal Employment Opportunity Commission [EEOC], or unfair labor practices at the National Labor Relations Board [NLRB]), consulates are in theory able to bridge these bureaucratic divisions in order to provide holistic assistance to workers, who are often considering filing a multitude of claims.

Another challenge is that despite increasing efforts to invest in strategic enforcement (Piore and Schrank 2018), the vast majority of labor compliance is still claims driven. This approach disadvantages the most vulnerable, especially undocumented workers, who may be especially wary of approaching government

regulators and who have higher exposure to occupational health risks than their documented counterparts (Rocha Romero, Medina Sánchez, and Orraca Romano, 2022). For all these reasons (detailed further below), there is ample opportunity for local consulates to act as critical intermediary institutions.

Siloed Issue Arenas

The US labor standards enforcement system is a collection of agencies charged with enforcing a variety of disparate statutes. Employment relations and workers' rights have been dispersed across a complicated menu of regulations. Take, for example, the minimum-wage and overtime rules. These federal rules are set by the DOL's Wage and Hour Division, which enforces the Fair Labor Standards Act, a law that also guarantees meal and rest breaks. A separate unit within the DOL—the Occupational Safety and Health Administration (OSHA)—enforces training and hazard prevention requirements, often in conjunction with state OSHA agencies. These regulations are separate from the workers' compensation system, which relies on private insurance schemes, each regulated by the nation's fifty state boards. Other civil rights protections—against harassment, retaliation, or other discrimination on the basis of race, color, national origin, gender, disability, religion, or genetic information—fall to the EEOC and the dozens of partner state and local Fair Employment Practice Agencies across the country. Finally, the rights of the small percentage of unionized workers engaged in collective bargaining activities are overseen by the twenty-six regional offices of the NLRB.

Unlike Mexico's more consolidated approach, the siloed nature of workers' rights in the United States complicates workers' and Mexican diplomats' ability to quickly identify the appropriate advocate in the event of a violation. Mexico's model of labor inspection employs dedicated health and safety inspectors as well as generalists capable of addressing wages and hours, working conditions, child labor, and other areas of the labor code in a single visit, as opposed to the highly specialized nature of US labor inspectors (Piore and Schrank 2018). These differences in labor enforcement mechanisms make it necessary for consular bureaucrats to undergo specialized trainings offered by US labor standard agencies to become proficient in the alphabet soup of labor enforcement silos. The challenges are multiplied for immigrant workers, who may have limited English proficiency or may lack experience interacting with US bureaucracies. While some agencies have informally developed joint task forces or engaged in collaborative outreach efforts, there is no statutory requirement for cross-filing claims across agencies. And even when there is coordination, each statute may have distinct employee and firm coverage, statutes of limitations, and claims processes. Within this context, worker advocates become critical intermediaries for helping claimants navigate the patchwork of laws and offices. Consulates can also play a key intermediary role and are especially needed in places with a thin network of worker advocates serving Spanish-speaking immigrant workers. In some cities, as we detail in the next

chapter, consulates have been critical for coordinating the cross-filing of claims. To this end, in 2004, Mexico's Secretaría de Relaciones Exteriores / Ministry of Foreign Affairs (SRE) and the US DOL signed a Joint Declaration to advance immigrant worker rights, setting the stage for other sister agencies to follow suit.

Overlapping Jurisdictions

Labor standards enforcement in the United States is complicated not only by the ways it is split up by issue among various federal agencies but by the ways state and local governments have increasingly taken the initiative to address labor standards themselves (Galvin 2016; Fine et al. 2020). This shift can be attributed in part to the intransigence of the US Congress, which has neglected to raise the minimum requirements of key protections. For example, the minimum wage, which requires congressional approval, has remained stagnant for more than a decade. Labor standards at the federal level make exceptions for certain precarious workers such as domestic caregivers or farmworkers, categories that several states have now chosen to include in their basic protections. Meanwhile, many states and localities have stepped in to provide stronger standards and enforcement mechanisms (Goldman 2018). As a result, workers pursuing restitution, particularly those living in big cities, are faced with a plethora of overlapping jurisdictions and options for legal mobilization. This array is both a blessing and a curse, and can be especially confusing for workers who need translators and cannot afford a lawyer to help them navigate the bureaucratic labyrinth.

Within this context, there is ample opportunity for consulates to collaborate with government agencies and civil society groups that advocate on behalf of immigrant workers. Generally, federal memoranda of understanding (MOUs) can set the tone at the local level. As described in chapter 3, MOUs are frequently replicated in local jurisdictions in the form of letters of agreement (LOAs), which are signed by the local agency lead (e.g., district director or regional administrator for the local DOL's Wage and Hour Division Office). While the template for federal bilaterally negotiated MOU agreements with the DOL, EEOC, and NLRB dates back to the Joint Declaration signed between the DOL and the Ministry of Foreign Affairs in 2004, certain local offices of these federal agencies were coordinating with Mexico's consular network across the United States long before their national agencies signed onto the federal MOU, thanks to collaborative relationships between street-level diplomatic bureaucrats across Mexico's consular network and local labor standards enforcement agents (Gleeson and Bada 2019). However, because of the explicitly diplomatic mission of Mexico's consular network, federal agencies are their sole official counterparts, the only body with whom they are able to sign formal MOUs.

While these memoranda are arguably only symbolic agreements that do not necessarily determine the actual extent of consular collaboration on the ground, our interviews with key stakeholders reveal that the jurisdictional mismatch

between federal and local initiatives has implications for generating sustained political will and commitment from consular leadership to advance workers' rights.² More mundanely, the consular-federal relationship steepens the learning curve for new consular staff, who must familiarize themselves with both local and national regulations and players. In places like San Francisco—where the California Labor Commission enforces a more robust set of policies than does the federal DOL's Wage and Hour Division and where the city/county Office of Labor Standards Enforcement enforces one of the highest minimum wages in the country (twice that of the national standard)—the relationships between local consulates and their federal counterparts are practically inconsequential.

Finally, this federated approach to labor standards enforcement also heightens the importance of proactive local consular initiatives. Top-down national outreach strategies like the annual *Semana de Derechos Laborales* / Labor Rights Week are critical to coordinating the entire consular network around promoting workers' rights as a key part of consular protection. However, without consular leadership that is attuned to the realities facing the local immigrant workforce (be they agricultural workers in Salinas, meatpackers outside of Chicago, or restaurant workers in Houston), a uniform approach to workers' rights advocacy is bound to fail. Local co-enforcement efforts—usually instigated by civil society actors—have emerged precisely from the on-the-ground experiences of these workers, and thus local consulates must learn to carefully navigate and not co-opt these movements.

Claims-Driven Worker Regulation

The defining aspect of the labor standards enforcement regime in the United States is that it is fueled almost entirely by worker-generated claims. Though many of these agencies have proactive outreach and education initiatives (including the DOL's Community Outreach and Resource Planning Specialists program) (Wage and Hour Division 2021), a bottom-up “fire alarm” approach to labor investigation predominates and disadvantages the most vulnerable of workers, especially those who may be undocumented (McCubbins and Schwartz 1984; Griffith 2012; Alexander and Prasad 2014). This approach is problematic for compliance efficacy, given that it necessarily directs regulators to focus on those willing workers most capable of filing complaints by themselves. It is also problematic for marginalized workers (Garcia 2012), who must surmount a long list of challenges in order to ascend the dispute pyramid and file a formal claim (Felstiner, Abel, and Sarat 1980; Gleeson 2016). Owing to these barriers, the claims-driven approach heightens the importance of institutional intermediaries, a role that civil society organizations and other legal advocates have long played.

Consulates are particularly well equipped to broker workers' claims given their ability to wield state power in communications with employers or to coordinate with US agencies as diplomatic counterparts. In contrast to the siloed nature of the claims-making bureaucracy, some consulates even serve as case managers for

workers struggling to navigate disparate agencies. Language and cultural connections, as well as the (limited) community trust they have established, grant consular officials a huge advantage over US agencies. But more practically, consular officials can be granted unique access to overworked and underresourced US labor agency staff, who may otherwise keep worker advocates at arm's length or view them as adversarial. In some rare cases, consulates may also provide their citizens with legal referrals and even pay for outside representation. Usually, though, consulates at the very least act as a central referral node for the various community partners able to provide additional assistance and organizing support.

However, the availability of third parties who can educate workers about their rights and shepherd their claims through the system depends on a number of factors. Only immigrant workers in central cities tend to have access to pro bono legal advocates willing to take their cases. In the absence of these pro bono lawyers, few workers possess the resources to hire an attorney for this work, and lawyers will typically offer a contingency plan only for certain rare, high-reward cases. Given this context, a consular office enjoys certain advantages over other organizations in performing this brokering role. For example, consulates are particularly well positioned not only because they can provide workers with information and (potentially) legal advice in their native language but also because they can take on cases regardless of a worker's immigration status. While worker centers and other legal advocates serving immigrant workers have proliferated across the country (Fine and Gordon 2010; Fine 2011), many legal aid organizations are prohibited from taking cases for undocumented workers (Compa 2017, 232; Guild and Figueroa 2018, 161), and these organizations are often inaccessible in many suburban and rural areas. Moreover, when workers are captured in a raid at the workplace, many immigrant advocacy organizations do not have the direct and immediate access to detention centers that consular officials have when citizens of their country face difficulties in a foreign state (according to Article 36 of the Vienna Convention on Consular Relations).³ Consequently, good relationships between advocates and consular staff are necessary to establish smooth triage and communication channels to prevent the potential deportations of workers. The perennial challenge, however, is the disconnect between the scale of the need and consular capacity.

Immigration Enforcement Considerations

Perhaps the most consequential aspect of claims making for consular advocacy is the particular vulnerability of undocumented immigrants, who make up 43 percent of the Mexican immigrant population in the United States (Gonzalez-Barrera and Krogstad 2019). As other scholars have explained in more detail (Griffith 2011), undocumented workers or those with other precarious statuses face a complicated labor protection framework. Protections in the United States are by and large available to workers without regard to their immigration status, but,

with several exceptions, remedies are often severely limited for claims involving back pay or reinstatement (arguably rendering relevant protections meaningless in the aftermath of ubiquitous employer retaliation).⁴ Furthermore, immigration enforcement in the United States has long relied on the workplace as a site of enforcement, be it through large-scale raids (common in the George W. Bush era), workplace Social Security number audits (which proliferated during Barack Obama's presidency and could be thought of as "silent raids"), or both (as with the all-in enforcement strategy of the Donald Trump administration) (Griffith and Gleeson 2019).

While there do (still) exist long-standing MOUs between the DOL and the Department of Homeland Security (US DOL 2011; National Employment Law Project 2016), these are viewed as privileging the directives of immigration enforcement and have proven largely ineffective in protecting the rights of undocumented workers. In other words, there is no functional "firewall" between the information gathered by labor agencies and immigration enforcement officials (including Immigration and Customs Enforcement [ICE]). In fact, examples abound of workers who lodged claims against an abusive employer then being swept up in an ICE raid (e.g., Rosenberg and Cooke 2019), with labor advocates able to do little to slow their removal or advance their claims (Landon 2008). While some protections do empower undocumented workers to file a claim against their employer, such as applying for a U or T visa (designed for victims of crime and trafficking), these legal options have many requirements and place claimants on a long waiting list; moreover, efforts to broaden these protections have been unsuccessful (Constante 2018).

The entanglements between worker protections and immigration enforcement place consulates in a complicated situation. Despite the many institutional motivations to remain independent from immigration enforcement (Gleeson 2014), some state agencies have capitulated and shared information with federal immigration enforcement agencies (Thomsen 2018). More practically, many federal buildings (where both immigration and labor agency offices are often located), may prove inaccessible for workers who lack the proper documentation to get through security or simply do not want to risk being in proximity to ICE offices. As a result, despite the Mexican government's sordid history of exposing vulnerable immigrant workers to possible deportation in the United States and interfering with the unionization efforts of Mexican farmworkers (Goodman 2020; González 1999), its consulates have become one of the few official federal government allies to whom an undocumented worker can safely turn. However, consulates' trademark "noninterventionist" stance, while helpful diplomatically, severely limits their ability to fully mobilize their power and resources on behalf of their most vulnerable emigrants seeking labor protection. This neutrality—or, as some would call it, indifference—not only enhances the cynicism of an already disaffected diaspora but can also create huge rifts with civil society advocates.

It can be difficult for Mexican diplomats to negotiate better working conditions for migrants without alienating Mexico's largest commercial partner, the United States. For example, Mexican ambassador Medina Mora often defended migrant rights and offered support for a comprehensive immigration reform when speaking to connationals. Yet the ambassador noted the challenge of this dual obligation in an address to community leaders at the Chicago consulate during the Obama administration:

The Mexican consuls and the ambassador have to be very careful. They can't appear publicly as an advocate. I don't shy away when I need to say something, but I have to say it in a way that supports the desired outcome without blocking it. So, it is not by showing high levels of militancy that we will win. We need to search the best way to be vocal instead. We have to ask ourselves, where can we be more efficient? I assure you that we are not shy, but we try to be very smart in approaching this delicate subject.⁵

Civil society advocates are not satisfied with these explanations, however, frequently decrying what they see as the refusal of consular and embassy officials to make bold moves toward comprehensive immigration reform.

MEXICO'S HISTORY OF MIGRANT WORKER ENGAGEMENT

The Supranational Legal Framework for Migrant Worker Protection

According to embassy staff, the principal legal function of the SRE and its consular network across the globe is to protect the rights of Mexicans living abroad. The Mexican Secretaría del Trabajo y Previsión Social / Ministry of Labor (STPS) also has an important role to play both within Mexico and in countries where there are bilateral labor export programs. Yet there are relatively few temporary foreign workers in the United States, which limits the STPS's reach there. Since the end of the Bracero Programs (1942–64), which issued temporary work permits to millions of Mexicans to ease US labor shortages after the Second World War, temporary labor programs available to Mexican migrants through the STPS have been small in scale, with annual quotas of less than half a million temporary work visas allocated to Mexicans each year to work legally in the United States. The STPS manages an even smaller (but proportionally more significant) program, the Mexico-Canada Seasonal Agricultural Workers Program, which was inaugurated in 1974 and still operates. In 2022, twenty-six thousand farmworkers participated in this program (STPS 2022).

While the STPS regulates basic protections for temporary workers in Canada (STPS 2019), Mexico's labor law does not include any special enforcement mechanism governing labor disputes for Mexican workers posted abroad. The STPS does have a Federal Attorney's Office for Labor Protection / Procuraduría Federal de

la Defensa del Trabajo, though this agency focuses on worker-driven claims and has neither the capacity nor the jurisdiction to intervene in labor disputes in the United States, except in cases of international labor recruitment (as discussed in chapter 5).

The STPS has therefore played a largely consultative role, while the SRE—as the major actor with the legal responsibility of protecting Mexicans living abroad—was the key bilateral US counterpart in the MOUs that were signed in 2004 between the two countries. Bilateral agreements such as the MOUs between the SRE and the US DOL helped to solidify the notion that consulates have a duty to aid their citizens. These MOUs stemmed from a number of bilateral instruments, including the North American Agreement on Labor Cooperation (NAALC), which was signed in 1993 alongside the hallmark North American Free Trade Agreement (NAFTA). The NAALC established a National Administrative Office in each party country (Canada, Mexico, and the United States), whose job is to review complaints, coordinate tripartite activities, and provide information to the public (ILAB 2005). As shown in table 1, bilateral collaborations on issues related to trade, worker rights, and health care have increased in the region since the mid-1990s.

In practice, these consular obligations have manifested perhaps most visibly around law enforcement, with consuls intervening in the event that a citizen is jailed without counsel. The Vienna Convention on Consular Relations requires “consular notification” upon arrest and the right for consulates to access their detained foreign nationals (US Department of State 2018). The Mexican SRE describes this function as a core aspect of their presence abroad, vital to ensuring that their emigrants are afforded their rights in a timely and consistent manner (SRE 2016). Though officials in various detention facilities may reach out directly to consular staff, in practice this communication relies on detained individuals invoking these rights themselves. Moreover, while detention centers routinely have the rights posted, the volume of immigration enforcement activity (even in “immigrant-friendly” jurisdictions) far outweighs the capacity of consular personnel to *actually* respond in a timely manner, thus rendering them an ineffective resource in all but the most extraordinary cases.

Consular officials are similarly obliged to intervene in the case of nonpayment of child support or alimony, especially when the child or spouse or both have remained in Mexico. In these cases, consular officials often have direct agreements with local law enforcement to, for example, carry out judicial orders for partners and children back in Mexico. Yet these local arrangements are rarely replicated with consular officials to enforce labor protections. In fact, many consular leaders explained that their diplomatic post limited the formal arrangements they could create with subfederal governments.⁶ As labor standards enforcement increasingly becomes a subject for states and municipalities (Fine and Round 2021), though, these arrangements are almost certain to be made with local community partners, at least informally.

TABLE 1 Time line of key events in bilateral collaboration (1994–2017)

Date	Key Event
1994	The North American Free Trade Agreement (NAFTA) is enacted.
1994	The North American Agreement on Labor Cooperation (NAALC) establishes the Commission for Labor Cooperation and country-level National Administrative Offices (NAOs).
2001–9	Elaine Chao's term as US DOL (Department of Labor) secretary.
2001	Houston's Justice and Equality in the Workplace Program is created (to be modeled in Dallas in 2003).
2001	Binational Health Week is established in seven California counties.
2002	The Instituto de los Mexicanos en el Exterior (IME) is created, and the first cohort of the Consejo Consultivo del Instituto de los Mexicanos en el Exterior (CCIME) is appointed/elected.
2002	The OSHA (Occupational Safety and Health Administration) Alliance Program is created with various community partners, including the Mexican consulate, along with the Centers for Disease Control's National Institute for Occupational Safety and Health (NIOSH).
2002	<i>Hoffman Plastic Compounds, Inc. v. National Labor Relations Board</i> —a landmark US Supreme Court decision.
2002	Mexico's federal Tres por Uno program is expanded to all Mexican states.
2003	The Employment Education and Outreach Alliance (EMPLEO) partnership is launched in Las Vegas, then expanded to Los Angeles.
2003	The Washington, D.C.–based Farmworker Justice Fund, Inc., files the first petition with the Mexican NAO in conjunction with the Central Independiente de Obreros Agrícolas y Campesinos, an agricultural worker organization based in Mexico City.
2003	Immigrant Workers Freedom Ride.
2004	President Fox inaugurates Seguro Popular, which includes access for returned migrants from Mexico and offers health care services to Mexico-based families of migrant workers living in the US who wish to pay the corresponding family contributions.
2004	A joint declaration is signed between the DOL and the Mexican Secretaría de Relaciones Exteriores. This leads to the creation of memoranda of understanding (or letters of agreement) between national agencies and the consulates, followed by arrangements establishing understanding (AEUs) implementing these agreements at the local level.
2005	The Northwest Workers' Justice Project of Oregon, the Andrade Law Office of Boise, Idaho, and the Brennan Center for Justice in New York submit a new petition to the Mexican NAO in conjunction with six NGOs in Mexico and four in the US.
2006	Historic immigration protests take place across the US in response to the controversial 2005 Sensenbrenner Bill.
2006	El Salvador and Guatemala join Binational Health Week.
2007	Colombia, Honduras, Ecuador, Bolivia, and Peru join Binational Health Week.

(Contd.)

TABLE 1 Continued

Date	Key Event
2007	Chicago's first Ventanilla Laboral is established.
2008	The first memorandum of understanding is signed to establish a framework for the Semana de Derechos Laborales.
2008	The fifty-fifth <i>jornada informativa</i> of the IME: Líderes Sindicales is celebrated in Mexico City, May 11–14.
2008	The Consular Partnership Program is created at the US DOL, facilitated by the Bureau of International Labor Affairs (ILAB).
2009–13	Hilda Solis's term as DOL secretary.
2009	The LABORAL call center is established with the US DOL, the New York State DOL, and the Catholic Migration Office of the Roman Catholic Diocese of Brooklyn.
2010	Ambassador Arturo Sarukhán and DOL secretary Hilda Solis re-sign the joint declaration.
2010	SB 1070—Support Our Law Enforcement and Safe Neighborhoods Act—is passed in Arizona.
2010	The Centro de Información y Asistencia a Mexicanos (CIAM) is established (in part to respond to SB 1070 concerns).
2011	The Centro de los Derechos del Migrante introduces a new petition on behalf of three migrant returnees, supported by a binational coalition of fourteen organizations.
2011	The entire consular network is now participating in the Semana, along with ten other members of the Latin American consular corps (Brazil, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Peru).
2013	The Secretaria del Trabajo y Previsión Social establishes a labor attaché office in Washington, D.C., to address public petitions under the NAALC.
2013–17	Tom Perez's term as DOL secretary.
2014	The Tres Amigos Cumbre is held in Toluca to outline trade goals between the US, Canada, and Mexico (February 9).
2014	Ambassador Medina Mora and DOL secretary Perez re-sign the joint declaration.
2014	Ministerial consultations are held following the NAALC.
2014	Predeparture workshops are held in Mexico (for H-2 guest workers) in eleven sending states (Estado de México, Guanajuato, Hidalgo, Jalisco, Michoacán, Oaxaca, Querétaro, San Luis Potosí, Sinaloa, Veracruz, and Zacatecas).
2014	Argentina, Bolivia, Guatemala, Uruguay, and the Philippines are now collaborating with the Semana de Derechos Laborales.
2014	The CCIME comes to an end.
2014	Mexico offers temporary, ninety-day access to health care, funded by Seguro Popular, to undocumented migrants entering by Campeche, Chiapas, Quintana Roo, and Tabasco.
2017	Colombia expands Binational Health Week from the US and Canada to Colombian consulates in Mexico, Venezuela, Ecuador, Chile, Argentina, Uruguay, Costa Rica, Panama, Brazil, France, Spain, and Belgium.
2020	The Tres por Uno Program comes to an end.

While many other volumes have delved deeply into the global governance instruments protecting migrant workers, here we choose to highlight several that are relevant to how the Mexican-US relationship operates. According to legal scholar José María Serna de la Garza (2019), these instruments are neutral structures that reflect massive power imbalances on the international stage. Especially for the United States, global governance is typically not legally binding and has minimal consequences. However, this is not necessarily the case for the *Estados Unidos Mexicanos*. Mexico has signed far more mechanisms for migrant rights than has the United States, which, along with many other migrant-receiving countries in Western Europe and Australia, has not signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ruhs 2013). As of August 2021, only fifty-five countries—many of them primarily countries of origin such as Mexico, Philippines, and Morocco—have ratified the convention. This deference to international standards arguably provides Mexico with a modicum of moral leverage against the hegemonic power of the United States. But it also reflects a major paradox of geopolitical power: while Mexico purports to defend the rights of its emigrant population in the United States, half of whom are undocumented, and elsewhere, it also deports a stunning majority of Central American migrants at its own southern border without due process (Feldmann Pietsch, Bada, and Durand Arp-Niesse 2020; Rojas Wiesner 2022).

In his work, Serna de la Garza (2019) magnificently details the various instruments and institutions that have established standards of immigrant rights, the three most significant of them being UN General Assembly resolutions and UN Secretary General reports, the Inter-American System for the Protection of Human Rights and Migrant Worker Rights, and the NAALC. He argues that viewed cynically, these nonbinding “soft laws” open the door for “empty promises” from politicians (56). By contrast, Lance Compa (2001), a renowned international labor law lawyer and scholar, contends that while these instruments may be symbolic, they are still useful, providing advocates a framework for leaning on employers and other leaders to recognize, and do something to protect, migrant worker rights.

In previous accounts (Bada and Gleeson 2019), we have detailed the significance of these international instruments for transnational advocacy networks, which we also revisit in chapter 5. It is clear that UN conventions and bilateral accords have created openings for groups like labor unions, worker centers, and migrant advocates operating on both sides of the border to bring their concerns before supranational bodies. But unlike the traditional “boomerang effect” model introduced by Keck and Sikkink (1998), we find evidence for a two-way dynamic whereby advocating on behalf of migrants in or bound to the United States can also aid advocacy efforts for workers who remain in or return to Mexico.⁷ By pressuring the Mexican government to be accountable to its diaspora, advocates have exposed its hypocritical failure to uplift the conditions of workers within its own national territory. This irony is not lost on advocates: the very degradation of

workers at home is one of the key drivers of out-migration, or as Sassen (2014) and Golash-Boza (2015) call it, their neoliberal *expulsion*.

These same instruments have been leveraged by the Mexican labor movement, which has also used the labor regulation infrastructure of free trade governance to hold the Mexican government to account for violations of collective bargaining rights (Graubart 2010). These struggles have exposed state-allied *charro* unions and have aligned the demands of Mexican workers who have remained with those of migrant workers abroad.⁸ Such transnational solidarity was clearly evident in the high-profile campaigns waged by Campbell's Soup farmworkers in the early 1980s and North Carolina cucumber pickers in the early 2000s, both of which garnered solidarity from Mexican labor movements.

Mexico's Labor Regimes

Over the last century, Mexico has made significant progress toward a fairer labor regime inspired by the ideals of the 1910 Mexican Revolution. Article 123 of Mexico's 1917 Constitution established expansive protections for workers, including the ability to organize unions, conduct strikes, and bargain collectively. After the initial triumph of these revolution-era laws, it was elite liberal reformers, and not the peasantry, who legislated labor law regulations in the 1930s and granted enormous power to the state to enforce worker protection (Bensusán 2000).

In the 1930s, governments across the world had to cope with the Great Depression and devise policies to benefit struggling workers. In Sweden, for example, the victorious Labor Party brought about the modern welfare state. Germany and Italy produced pro-worker programs during the fascist era, and Franklin Roosevelt created Social Security and signed the National Labor Relations Act. Many of those moves secured the political loyalties of the labor movement, and Mexico was no exception (Hathaway 2000). Few independent unions flourished prior to the 1970s, though, as the Mexican state used clientelism, political patronage, and corporatism to exercise absolute control over organized labor, requiring unions to be official members of the ruling Partido Revolucionario Institucional / Institutional Revolutionary Party (PRI). Every member of the Confederación de Trabajadores de México (Confederation of Mexican Workers), the largest confederation of labor unions, was automatically enrolled in the PRI, and the party and the unions formed a natural alliance that allowed political elites to control resources (Roberts 2014).

Over time, multiple reforms to Article 123 mandated minimum wages, overtime pay, minimum health and safety standards, seniority, bonuses, paid vacations, rest days, housing subsidies, an eight-hour workday, participation in profit sharing, equal pay for equal work, and protections against sex discrimination and child labor (La Botz 1992). With regard to enforcement and protection, federal labor law established the Board of Conciliation and Arbitration, a tripartite mechanism operating at federal and state levels in Mexico. The federal government had

a privileged role in deciding labor management and intraunion conflicts, as well as discretionary authority to interpret constitutional labor protections through its control of the tripartite labor boards and tribunals, which still maintain tight control over wages and strikes (Bensusán 2000; Bensusán and Cook 2003). In managing labor disputes, the government representative on the arbitration board could cast the tie-breaking, controlling vote. Moreover, very few cases went to trial after mediation provided by these government-controlled arbitration boards, which, it could be argued, reduced the possibility of widespread labor reforms. While dissident labor groups periodically threatened the hegemony of the Confederación de Trabajadores de México (as explained in chapter 5), the purchasing power of the working class plummeted after Mexico's tripartite mechanism began exerting unmitigated market-based control over wage levels during the 1980s and 1990s.

In the 1980s, Mexico entered the General Agreement on Tariffs and Trade in order to compete in the global economy by attracting international investment with low-priced natural resources and low-priced labor. Throughout that decade, Mexican workers had lost purchasing power because of a strict austerity policy designed by international banking institutions to reduce the country's debt burden. Subsequent neoliberal administrations secured Mexico's place in the global economy and paved the way to negotiate NAFTA. There were minimal revolts by peasants and industrial workers because the authoritarian regime quickly squashed the Zapatista Army for National Liberation in January 1994 (right after NAFTA was enacted) and disrupted multiple worker strikes demanding union democratization. By and large, NAFTA created an exodus of Mexican workers, who left low-wage rural work in search of jobs in maquiladoras in northern Mexico or crossed the border without documents to find low-wage jobs in the United States (Massey, Durand, and Malone 2002).

In terms of labor regulation, trade agreements signed between Latin American and Caribbean countries with the United States have had largely positive effects, leading to an average increase of 20 percent in inspectors and a 60 percent increase in actual inspections from 2009 to 2012 (Dewan and Ronconi 2018). NAFTA, however, did not produce the same measurable labor regulation impacts in Mexico and the United States, as the NAALC failed to incorporate core International Labour Organization (ILO) labor rights in the original agreement (Russo 2011), despite being designed to facilitate a broad international framework of labor rights protection within free trade agreements (Perez-Lopez 1996). However, NAFTA did bring about a few positive developments in the parallel labor agreements. The system of public petitions established by the NAALC increased cooperation between independent labor unions such as the Frente Auténtico del Trabajo / Authentic Workers' Front, their Canadian and US counterparts, and transnational immigrant advocacy organizations by allowing union leaders in the three countries to submit strategic petitions on behalf of industrial workers and migrant farmworkers.

By 2018, almost twenty-five years after NAFTA went into effect, the Mexican Senate recognized the ILO convention on collective bargaining by unanimously ratifying ILO Convention Number 98, which guarantees workers the right to organize, as well as the right to voluntary and authentic collective bargaining in Mexico (Gacek 2019). The ratification of this convention is expected to invalidate much of the protection provided to state-allied *charro* unions. It is the culmination of dozens of petitions accumulated in the National Administrative Offices of the United States, Mexico, and Canada denouncing protection contracts in Mexico,⁹ labor violations of temporary migrant workers, and abuses in international recruitment practices, among other labor issues.

Such human rights frames based on international jurisdictions are increasingly significant in transnational labor advocacy (Gest, Kysel, and Wong 2019). However, domestic laws (in both origin and destination states) still remain the most relevant vehicles for securing rights, especially in the United States. By taking steps to eliminate the protection contracts regime and allow free and democratic elections in Mexican labor unions, Mexico, experts agree, is currently well aligned with an international human rights framework and should proceed to enact necessary enabling legislation, regulation, and judicial action. And having ratified both ILO Conventions 87 (1950) and 98 (2018), Mexico is now required by international law to ensure a genuinely democratic labor relations system.

Since the Great Recession hit low-wage workers in the United States in 2007, many migrants returned voluntarily to Mexico or were deported, pressuring the Mexican government to offer relocation assistance and access to employment opportunities to workers who returned home. More recently, the pandemic has pushed Mexico to function as a reluctant buffer zone to slow down or deter the surge of migrants from Central America, the Caribbean, and Venezuela. This position presents enormous challenges for Mexico in offering asylum protection to vulnerable migrants fleeing violence, poverty, and climate change and in continuing to advocate for the rights of Mexican workers living in the United States.

How Migrant Work Became a Central Focus for Mexico

Mexico's investment in immigrant workers' rights is rooted in several traditions, according to embassy staff we interviewed in Washington, D.C.¹⁰ First and foremost, Mexico has long played a central role in interviewing and selecting the guest workers to travel abroad. In Canada, this process requires engaging national leaders, as well as provincial governments and employer groups. However, this formal role in labor brokerage is largely absent in the United States, where there are relatively few guest workers. In 2016, the United States hosted 438,190 H-2A (seasonal agricultural), H-2B (nonagricultural), and J-1 (exchange visitor) guest workers (Costa 2017). During fiscal year 2018, 93 percent of H-2A workers admitted to the United States hailed from Mexico. Compared to the approximately five million Mexican undocumented citizens who now average fifteen years of continuous

residence in the United States (Passel and Cohn 2019), temporary legal workers are a comparatively small population in need of consular protection.

In Canada, labor unions and other advocates have been some of the most vocal critics of the temporary foreign worker program and key stakeholders in the co-enforcement of immigrant workers' rights (Dias-Abey 2018; Preibisch and Encalada Grez 2010). Traditionally in these Canadian consular jurisdictions, there is a staff member dedicated exclusively to guest worker issues who intervenes during disputes. However, as Leah Vosko (2016, 2018) has shown, the Mexican consular network in Canada has not necessarily been an unwavering advocate for immigrant workers, and the same has been true historically in the United States, particularly during the Bracero Programs (1942–64), which brought in guest workers from Mexico during the Second World War (García y Griego 1988). In terms of consular support, Tanya Basok and documentary filmmaker Min Sook Lee have shown how the Mexican consulate intervened on behalf of tomato pickers in Canada, whose government has mostly privileged continuing the labor agreement at the expense of improving the labor rights of low-wage, largely unprotected Mexican tomato pickers (Basok 2000, 1999; M. Lee 2003). Historically, the Mexican federal government has been largely ineffective in protecting the rights of its citizens in migration programs in Mexico and Canada, and abuses have been legion. The Mexican government has even been sued alongside the US government for its failure to accurately account for millions of dollars withheld by authorities from braceros' paychecks and, in theory, sent to Mexican banks to be distributed to the workers once they returned home. As explained in chapter 5, recovering these lost funds has been a unifying force among transnational advocates as they demand bilateral frameworks to defend worker rights.

In an important shift for Mexican labor relations with its northern neighbors, an STPS labor attaché was moved from Ottawa to Washington, DC, in 2013 to help address public petitions under the NAALC. This realignment strengthened the SRE's agenda on Mexican migrant labor issues and responded to changing demographic realities and resource constraints, as well as the edicts laid out under the 2004 and 2008 ministerial agreements, which identified labor issues as a clear priority for bilateral cooperation with the United States.¹¹ Embassy staff we interviewed about this move indicated that the transferred STPS could one day play a larger role in implementing the binational labor rights MOUs.¹² By and large, however, the STPS's role seems to be limited mostly to addressing petitions filed against the labor side accords.

According to the staff of the SRE's Dirección General de Protección a Mexicanos en el Exterior / General Directorate for the Protection of Mexicans Abroad (DGPME), Mexico's role in brokering worker claims is critical given immigrant workers' fear of losing their job or provoking employer retaliation against their family members in response to filing claims: "Part of our efforts go towards empowering our citizens, so that they know their rights, and can then be motivated

to mobilize them,” one staff member said.¹³ Such efforts face difficulties, because along with immigrant fears are practical hurdles: not having a car, driver’s license, or other method of transportation to attend a consular event, much less the spare time.

One way consular staff address this reluctance and overcome these barriers is by conducting outreach throughout the year and by taking advantage of “captive audiences” gathered for educational programming (including the Plazas Comunitarias), which are more likely to take place in community settings far from the actual consular office. The goal is that these community collaborators (in conjunction also with the Instituto de los Mexicanos en el Exterior / Institute of Mexicans Abroad [IME]) become the “eyes and ears” of consulates, learning about cases of workplace abuse that consular officials might not otherwise encounter directly.¹⁴

Consular networks also reach out to the community through ethnic media, such as Univision, as well as local Spanish-language radio. As one official noted: “Our consulate in Boise, which covers some of our most remote communities in the jurisdiction, offers a good example of the significance of outreach networks. There may not even be Spanish-language radio, or it is stock Univision programming that doesn’t permit local content. . . . In those places, the work of community events, in churches, community centers, and other organizations, is key.”¹⁵

Furthermore, the consul general and the heads of the Departamento de Protección y Asistencia Consular / Department of Legal Protection and Consular Assistance, the Departamento de Asuntos Comunitarios / Department of Community Affairs, and even the Departamento de Documentación / Department of Documentation may join to advertise the range of resources available through local consulates. As a staff member from the IME in Mexico City explained: “One of the messages that we’ve asked our staff, and especially those in the Department of Protection, [to promote] is that regardless of immigration status, people should be confident in approaching the consulate to get help in their case and to promote their rights.”¹⁶

INSTITUTIONALIZING THE JOINT COMMITMENT OF MEXICO AND THE UNITED STATES TO MIGRANT WORKER RIGHTS

Historical accounts have confirmed how consulates have shaped the lives of migrant workers as long as the border has existed between the United States and Mexico (Balderrama 1982; García y Griego 1988; Weise 2015). Consular involvement has often occurred without formal issue-specific agreements between the two countries and almost always has included interfacing with local civil society. Yet Mexico’s recently heightened role in labor standards enforcement rests especially on a series of formal agreements struck over the last twenty years.

2002 to 2014: Instituto de los Mexicanos en el Exterior

The IME and the Consejo Consultivo. The election of Mexican president Salinas de Gortari in 1988, widely seen as fraudulent, sparked a long series of demonstrations across Mexican consulates in the United States. Salinas immediately set out to address this migrant discontent in an attempt to legitimize his presidency among members of the organized diaspora who had sided with Cárdenas Solórzano, the iconic opposition candidate. In 1989, his administration instituted the Programa Paisano, which was housed in the Secretaría de Gobernación / Ministry of the Interior. To increase communication with Mexican migrant civil society, Salinas sought to reform and expand Mexico's consular network by gradually adding new consulates, upgrading personnel, expanding roles for the consuls, and requiring them to increase engagement with migrants, Mexican Americans, other Latinos, and a broad range of US leaders and organizations. To accomplish these reforms, in 1990 foreign minister Fernando Solana created the Programa para las Comunidades Mexicanas en el Extranjero / Program for the Mexican Communities Abroad (PCME) within the SRE. This program operated in the United States through the consular network (Ayón 2010).

The PCME staff conducted outreach across existing hometown clubs in the United States, with the ultimate objective that these clubs might eventually organize into state federations. The network of hometown associations grew in the 1990s and became more vocal in demanding restitution of their members' political rights and increased funding for community development programs in communities of origin (Bada 2014). During this period, Mexican leaders increasingly called for the right to vote from abroad and for direct congressional representation from abroad for migrants. After coming to power in 2000, President Vicente Fox promised migrants that he would restructure the government's relationship with migrants by creating a Presidential Office for Mexicans Abroad. This presidential office gave Fox a direct channel to the diaspora, but it was abolished in mid-2002. Its collapse, however, paved the way for the IME, created in late 2002, which was housed in the SRE (Ross Pineda and Mora 2003).

One major component of the IME's work was a program of professional and leadership networking known as *jornadas informativas*. Here the IME staff identified a particular sector of mainly Mexican immigrant professionals or community leaders in the United States and devised a two- to three-day program of activities for them in Mexico City (Ayón 2010). However, the IME's most significant innovation was the formation of a large advisory council made up of migrants representing Mexico's forty-five US consular jurisdictions at that time. The body came to be known as the Consejo Consultivo / Advisory Board of the IME, or the CCIME. The IME had an executive director frequently selected from the consular corps, and it absorbed all the functions and personnel of the PCME.¹⁷ The CCIME called for one hundred *consejeros* to be chosen for three-year terms by migrant communities

in a selection process initiated by consulates, with several seats reserved for *consejeros* appointed by professional merit. Depending on consular jurisdiction and the level of organization of the migrant civil society, the mode of selection varied considerably from one location to another. In Los Angeles, the meetings convened by the Consulate General agreed to reserve the majority of that consular jurisdiction's seats for the presidents of hometown association federations. In Chicago, an open election with printed ballots was organized by immigrant organizations and activists at a public high school in Pilsen, a Mexican neighborhood, and in similar public locations in Chicago and its metropolitan area in subsequent elections (Bayes and Gonzalez 2011; Ayón 2010; Ross Pineda and Mora 2003). Elected *consejeros* consisted of leaders throughout Mexican immigrant civil society in the United States, including health advocates, social service providers, hometown association leaders, business owners, artistic directors, educators, journalists, civil rights advocates, sports league coordinators, local elected officials, union members, and philanthropists, among others (Godoy Padilla 2018).

In its first term, the CCIME was internally divided into six committees dedicated to different policy areas. These committees met twice yearly, issued policy recommendations to the Mexican government, and monitored the action taken in response. The second CCIME term (2006–8) was highly successful. It created a subcommittee on human and labor rights within the political affairs committee that included key *consejeros* who held organizing positions in labor unions in Canada and the United States, namely with United Food and Commercial Workers International Union (UFCW) and the Service Employees International Union (SEIU). This cohort was instrumental in inviting key figures of the labor movement such as Eliseo Medina (SEIU) and Esther López (UFCW) to serve as appointed members to the CCIME. In May of 2008 in Mexico City, this cohort leveraged the IME's fifty-fifth *jornada informativa*, devoted to the topic "State of Labor in Mexico," to raise awareness about labor rights abuses in Mexico and the United States. It provided a forum for US and Mexican union leaders to brainstorm how best to institutionalize Labor Rights Week in the United States. Subsequently, CCIME secured the commitment and support of the SEIU and UFCW to partner with several consulates in implementing Labor Rights Week pilot programs across fifteen consulates.¹⁸ This cohort had observed the successful implementation of a binational health week and sought to host a similar event focused on labor issues. Ultimately, the CCIME structure lasted for only four three-year terms (2002–14) before being dissolved by the IME.

The IME's Impact on Semana/Labor Outreach. While accounts vary as to the extent of the IME's influence in initiating the Semana, many sources confirmed that CCIME-connected labor leaders in particular were crucial to the coordinated effort. However, IME *consejeros* represented all walks of life. Many were business leaders and represented their own interests, which were frequently at odds with those of a minority of labor leaders. This naturally led to some organizational

tensions. For example, after the dissolution of the CCIME, pioneering labor leaders who participated in creating Labor Rights Week confirmed that the SRE was no longer interested in allowing unions to take ownership of the *Semana* and expand their geographical outreach.¹⁹

Nonetheless, the IME still cultivated union participation. In May 2008, it held its fifty-fifth *jornada informativa* focused on union leaders with three key objectives: (1) to develop a strategy for collaborating with US union leaders to inform Mexican immigrant workers about their rights, (2) to foster a better understanding of the organizing dynamics in both countries, and (3) to forge networks between Mexican and US union leaders to improve Mexico's international cooperation. Key themes included "Unions and Labor Rights in Mexico," "Consular Protection and Initiatives to Protect Immigrant Worker Rights," "Free Trade in the US, Mexico and Canada," and others related to remittances and financial access (SRE 2008).²⁰

*The 2004 Joint Declaration and the 2008 Memoranda
of Understanding*

The SRE's role in regulating immigrant workers' rights was inaugurated in 2004 with an MOU signed by US labor secretary Elaine Chao and Mexican minister of foreign affairs Ernesto Derbez. It established cooperative models between the US DOL Wage and Hour Division, OSHA, and the Mexican consular network via two separate LOAs. This landmark accord emerged during an era when President Vicente Fox had doubled down on outreach to civil society via the consular network.

The 2004 formal bilateral agreements were also the culmination of efforts already under way in regions such as Houston, Dallas, Las Vegas, and Los Angeles, as well as in many other community organizations. OSHA had also been cooperating with national industry groups such as the Hispanic Contractors of America and the National Safety Council (US DOL 2004). The discussions around the MOUs took place alongside significant negotiations around border security (its buildup, militarization, and resulting deaths) and the humane repatriation of Mexican nationals (Storrs 2006). This agreement also increased the role of the DOL's Consular Partnership Program, which solidified migrant worker outreach cooperation (ILAB 2021).

The 2004 MOUs paved the way for establishing formal relationships between the staffs of the DOL, OSHA, and Mexico's consular network. However, the MOUs that established the *Semana* resulted less from interagency planning than from successful pilot programs supported by labor unions (SEIU and UFCW) and rolled out by consulates in California and Chicago in 2006 and 2007, immediately following the massive immigrant rights mobilizations organized by migrant civil society across the United States (Pallares and Flores González 2010; Voss and Bloemraad 2011). In 2008, the CCIME—with support from key *consejeros* representing labor union leadership (Eliseo Medina for the SEIU and Esther López for UFCW)—recommended to the SRE that the Labor Rights Weeks of Chicago and California be expanded. The Mexican embassy realized that it had

sufficient strategic partnerships to make Labor Rights Week a success, and DOL leadership was also interested in expanding services to Mexican immigrants. The public engagement office of the DOL thus entered into frequent conversations with the Mexican embassy, and the 2008 (and subsequent) MOUs established a cooperative framework between the DOL and a greater number of consulates.

In addition to formalizing long-standing cooperation on the ground, these national agreements formed part of a larger diplomatic strategy. Behind the scenes, the US DOL's Bureau of International Labor Affairs and the Office of the Secretary were working on similar agreements with a dozen other Latin American countries and the Philippines.²¹ Beyond the Bureau of International Labor Affairs, the Wage and Hour Division and OSHA played key roles in worker outreach and consular partnerships. In 2002, OSHA created its Alliance Program (OSHA n.d.), which worked closely with the National Institute of Occupational Safety and Health at the Centers for Disease Control, the consular network's *Ventanilla de Salud / Health Access Window Program*, and the *Departamento de Asuntos Comunitarios*. Of the 232 OSHA Alliance signatories, consular agreements (32) represent a significant portion, second only to trade associations (89) (OSHA 2021).

Consular relationships with local civil society and government agencies can be traced back to the 1990s in some jurisdictions, especially around the issues of wage theft and workplace safety. Yet this model did not gain formal buy-in from national authorities until the signing of a bilateral MOU in 2008, which established the framework for the *Semana de Derechos Laborales / Labor Rights Week*. Following the DOL's MOU, other labor agencies followed suit with their own formal agreements, including the EEOC, the NLRB, and, to a lesser extent, the Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices (which focuses on national-origin discrimination). Each national agency head now signs a stock LOA with its consular counterpart, followed by two- or three-year local arrangements establishing understanding (*arreglos de entendimiento*, AEU's).²²

As we describe further in chapter 3, signing ceremonies for these agency partnerships are highly publicized displays of renewed commitment between partner stakeholders. They are also a practical opportunity to come together and ensure continuity between constantly rotating consular staff. Further, the partnerships commit US agencies to providing a modicum of outreach to the local consulate. Together, these agencies come up with a theme, a logo, dates, and outreach material for the week's activities. Indeed, the uniformity of the local agreements is meant to serve as a general "floor," a baseline that will ensure a minimum commitment from consular and agency staff, who are very likely to have competing interests and priorities. The agreements also prevent the long bureaucratic delays that constantly amending a diplomatic accord between representatives of two countries would require.²³ Key leadership described these instruments as an "everyday strategic collaboration" helping to defend the rights of Mexican workers, regardless of

their immigration status,²⁴ and they are consequential, especially in jurisdictions where preexisting relationships with enforcement agencies and labor advocates don't exist, or where there are insufficient resources to invest significantly in these goals.

Apart from these mechanisms, very few US labor agency staff do intra-agency work, and in some cases, consular officials themselves report being a key liaison between US agencies on the ground. Differing agency cultures (even between the Wage and Hour Division and OSHA, both at the DOL) can create confusion, as each set of regulators juggle varying inspection and claims processes and industry priorities. Indeed, coordination is not the default, and even domestic labor agencies can operate as a series of siloed departments. This complicated enforcement bureaucracy can be near impossible for immigrants to navigate alone, as workers try to parse which aspects of their workplace experiences are relevant to which agency (as described at the beginning of this chapter).

While state and local labor agencies have become increasingly important actors in the labyrinth of US labor regulation (Fine and Round 2021), formal labor agreements with consulates are far more difficult to establish given the unique bilateral relationship between diplomats and national leaders in their host country. Therefore, embassy officials repeatedly confirmed that LOAs followed a preapproved template, largely out of deference to national protocol and to ensure consistency.²⁵ Yet in many places LOAs were introduced long after coordination had become the norm, to address rampant wage theft and health/safety violations but also a broader set of issues specific to immigrant workers, such as protections under the Violence Against Women Act, concerns around human trafficking, and other immigrant integration goals. Moreover, hot-button issues such as organized crime in labor recruitment require bilateral cooperation to ensure prosecution, since foreign governments cannot mandate contractor practices in migrant-sending regions. All this demonstrates the ultimate importance of formalized bilateral agreements, difficult as they are to forge.

After a period of stagnation toward the end of the George W. Bush administration, the initial 2004 Chao-Derbez MOU was renewed and updated in May 2010 by Ambassador Arturo Sarukhán and longtime labor advocate and California political leader Hilda Solis when she began her appointment as secretary of labor during the first Obama administration (from 2009 to 2013).²⁶ It increased the number of participating consular offices to twenty-six, in conjunction with 291 community organizations. By 2011, the entire Mexican consular network had been commissioned to participate, along with ten other members of the Latin American consular corps (Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Peru), and by 2014, Argentina, Bolivia, Guatemala, Uruguay, and the Philippines were collaborating as well.²⁷ These multinational agreements vary significantly depending on the location and capacity of other countries' consular offices and their respective demographic concentrations.

On the Mexican side, this coordination is in part spearheaded by Mexico's undersecretaries for Latin America and the Caribbean, as well as the undersecretary for North America. By many accounts, the annual MOUs stemming from the initial 2008 agreements are largely symbolic. However, the annual signing ceremonies that renew them mark the kickoff of Labor Rights Week and send an important signal that both countries are responsible for the well-being of Mexican immigrant workers.

As noted earlier, this formal partnership began in the early period of the Obama administration, an essential era for immigrant outreach at the DOL. By 2012, toward the end of President Obama's first term, DOL staff had hired additional inspectors, the vast majority of whom were bilingual.²⁸ An early administration goal to create an office of Migrant Workforce Partnerships (to address the challenge of coordinating the dozens of agency field offices) never came to fruition,²⁹ but several federal pilot projects for community engagement did emerge in key cities.³⁰

In terms of the wider collaborative landscape, our review of consular partnerships found that as of 2020, only eight of the fifty-two consulates had MOUs with all four major federal labor standards enforcement agencies (the Wage and Hour Division, OSHA, the EEOC, and the NLRB). Fifteen consulates had three agency MOUs, eleven had two agency MOUs, and sixteen worked with only one. Out of the 115 collective agreements, the largest plurality (38) were with the Wage and Hour Division, 30 were with the EEOC, 29 with OSHA, and only 18 with the NLRB. This variation stems from the locations and capacities of regional US labor agency offices and the nearby consulate. As table 2 reveals, MOU renewals fluctuate every year and do not necessarily correlate with the number of legal cases consulates see or with how many agencies participate. All told, the MOUs significantly increased bilateral collaboration and improved the labor rights environment for Mexican workers. According to one key agency leader, consular partnership agencies compiled a series of high-visibility reports archiving these successes with Mexico and a number of other (mostly Latin American) countries: for example, collaborations between the consul general of Belize and the Wage and Hour Division in Los Angeles, and between the NLRB and the Philippines embassy in Washington, DC (ILAB 2014a, 2014b, 2014c, 2014d). But detailed updates eventually faded after congressional scrutiny highlighted concerns over potential undue influence from foreign governments.³¹ Finally, aside from the national MOUs, local consulates also enter into formal agreements with local offices of federal labor standards enforcement agencies under embassy-approved stock language.

*2014: Renewed MOU and National Administrative
Office Responses to Petitions*

In 2014, the Semana MOU was renewed. At the same time, the respective labor agencies in Mexico and the United States entered into a formal agreement

TABLE 2 Labor Rights Week outreach summary

	# Events	Pop. Served (#)	Legal Protection Identified Cases	Participating Agencies (Federal, State, Unions, Others)		Media Outreach (Interviews, PSAs, Special Programs, Etc.)	Central American and Other Countries' Participating Consulates		MOUs with Wage & Hour Division, OSHA, EEOC, NLRB
2009	199	18,788	829	255	137	N/A	N/A	N/A	
2010	432	39,192	1,534	245	151	N/A	N/A	N/A	
2011	809	35,745	1,462	625	432	10	11		
2012	745	37,048	1,286	610	661	8	15		
2013	793	60,284	719	698	326	13	49		
2014	793	40,886	826	663	399	13	20		
2015	840	59,490	1,045	852	464	16	62		
2016	947	59,547	803	699	368	18	59		
2017	741	72,156	797	649	338	18	19		
2018	895	42,683	340	655	295	14	45		

SOURCE: SRE (2019).

establishing a concrete outreach plan to address migrant workplace protections. This accord came on the heels of three public petitions (submitted in 2003, 2005, and 2011) by advocacy organizations demanding accountability under the NAALC mechanisms. From the perspective of embassy staff, these public petitions prompted a long-planned, coordinated bilateral outreach, though as chapter 5 expounds, one could also view Mexico's response as prompted exclusively by the decade-long transnational campaigns launched by grassroots advocates. Embassy staff explained that while the NAALC effectively covered the high-level bilateral economic policies and technical cooperation that shaped migrant work, the agreement had "stagnated" over time. Missing was the formalization of community-level mechanisms, fulfilled by the subsequent work plan, which officially included twenty-five workshops in the United States and eleven workshops (the first of their kind) in Mexico, some of them coinciding conveniently with Labor Rights Week.

In response to the "recommendations" offered by NGO petitions, predeparture workshops aimed at workers with H-2 temporary visas were eventually conducted in Mexico, as well as postdeparture ones in reception areas in the United States. The workshops were held between August of 2014 and February of 2015 and focused on "pre- and postdeparture" issues for H-2A and H-2B guest workers in the top eleven sending states (Estado de México, Guanajuato, Hidalgo, Jalisco, Michoacán, Oaxaca, Querétaro, San Luis Potosí, Sinaloa, Veracruz, and Zacatecas) and in twenty-nine high-impact areas identified by the US DOL across fourteen American states. This was the first time that Mexico had engaged in these predeparture workshops, which sought to inform migrants of their rights before they traveled north and which were run in conjunction with state governments and NGOs (such as Centro de los Derechos del Migrante and other petitioners), and at times even with the US embassy.

These "pilot phase" workshops in communities of origin were folded into the *Semana rubric* and operated with support from the STPS, which signed a separate joint declaration with the DOL, as well as from the SRE's General Directorate of Delegations and various NGOs. Key topics pertaining to guest workers, dubbed *actividades espejo* (mirror activities),³² were also simultaneously folded into US consular activities. The theme for the 2015 *Semana* was "Yo tengo derechos en mi lugar de trabajo" (I have rights in the workplace), and all told, the week boasted more than eight hundred organized events across the fifty-office consular network, US labor agencies, and various unions and community organizations (SRE 2015).

With regard to actually managing the flow of Mexican workers, the STPS's Coordinación General del Servicio Nacional de Empleo, in coordination with the Mexican embassy, helps direct guest worker recruitment and contracting in the United States and Canada. However, only one staff member from the STPS is dedicated to fulfilling the mission's agency (i.e., protecting the rights of Mexican workers), and budgetary support from the SRE for outreach in the United States is limited largely to the mostly one-off events outlined in the Mexican work plan.

On the US governmental side, the DOL has conducted successful outreach activities in conjunction with the consular network in the United States. According to Mexican embassy staff, the activities coordinated through the Consular Partnership Program at the US DOL are uniquely ambitious in their magnitude and unrivaled by other countries, which typically relegate “labor issues” to their offices of commercial and economic affairs. These innovations are appropriate to the hegemonic presence of Mexico in the US immigration and consular structures, but it is unclear how far they take us on the path to securing workers’ rights.

For example, the work plans under the labor side accords left a great deal of uncertainty about future initiatives. As one STPS official put it: “Both governments want to wrap up what is established by the declaration and work plan, publish results . . . and until then, it is hard to say for certain what comes next. But trust me, there is a lot of interest on both sides to continue this effort.”³³ However, they stressed the need for continued attention to and advocacy for migrant labor rights, especially given the lack of any legal instrument that would compel new actions with the United States or with Canada’s Seasonal Agricultural Workers Program. Mexican officials we spoke with indicated that long-term plans for permanent outreach remained uncertain, whether under the NAALC mandate or other ministerial priorities.

In effect, the partnership between Mexico and the United States can be characterized as a supply-side effort (reflecting the shifting positionality of the Mexican government vis-à-vis its emigrants). Yet it is also apparent that government accountability resulted from the demands of persistent migrant labor advocates on both sides of the border (which we discuss in more depth in chapter 5). For example, when a notorious visa fraud case unfolded in Mexico against Chambamex/ChambaMéxico—the largest of its kind on behalf of guest workers in the United States (EstanciaGyM 2014)—it was transnational groups such as the Centro de los Derechos del Migrante / Migrant Rights Center, the Global Workers Justice Alliance – Jornaleros SAFE project, the Instituto de Estudios y Divulgación sobre Migraciones / Institute for Studies and Disclosure on Migration, and the Proyecto de Derechos Económicos, Sociales y Culturales / Economic, Social, and Cultural Rights Project (ProDESC)³⁴ that pushed the Mexican government to conduct predeparture programs in Mexico to prepare departing guest workers and to advise them after they experienced abuses in the United States.³⁵ These organizational leaders have been described repeatedly as NGO collaborators, but (as discussed in more detail in chapter 5), our work shows that they are also claimants who seek to hold US agencies, employers who operate with impunity, and the Mexican government accountable.

Even in cities where advocates work closely with the Mexican consulate around immigrant advocacy, transnational labor solidarity efforts often target the local consulate as well (Shafer 2011). For an example of such transnational solidarity, consider the 2017 trilateral conference on worker solidarity in action hosted

in Chicago by the United Electrical, Radio and Machine Workers of America to discuss the organized labor response to NAFTA negotiations. There, union members representing the Sindicato Independiente de Trabajadores de La Jornada / Independent Trade Union of Workers of “La Jornada” (SITRAJOR), a Mexico City union, requested support from conference attendees to protest the decision made by a Mexico-based labor arbitration and conciliation board on the illegality of their summer strike over management’s cutting of worker benefits by around 50 percent at the left-leaning Mexican newspaper. With support from UFCW, a small group of participants managed to secure a meeting with the Mexican consul to hand-deliver a letter with SITRAJOR’s position while the rest of the conference participants organized a lively protest outside of the Mexican consulate in solidarity with SITRAJOR workers.³⁶ This action demonstrates the power of cross-border labor solidarity networks at both the national and transnational levels, garnering support from Mexican workers in Chicago and elsewhere for labor struggles in Mexico City by bringing attention to Mexico’s labor violations to the public in the United States.

THE MEXICAN CONSULATE AS A KEY INSTITUTION FOR LABOR ADVOCACY

Who Are SRE and Consular Staff?

The consular network is mostly staffed by civil service officials (Servicio Exterior Mexicano, also known as SEM) who are selected and trained as diplomats through a rigorous process. The diplomatic corps includes various college-educated professionals such as scientists, engineers, economists, administrators, and international relations experts, among others. Its members represents different social classes but are mostly mestizos. They are not formally trained in the cultural sensitivities around precarious Mexican workers who have low levels of formal education and who often speak Spanish as a second language and identify as indigenous.

The consular network also includes non-SEM political appointees, who serve for specific terms and do not belong to the diplomatic civil service, and personnel usually hired from the community. However, these so-called local positions are sometimes staffed by people on loan from the central offices in Mexico City with special A-2 temporary labor visas. Consular personnel with A-2 visas and local personnel earn comparatively low wages and enjoy fewer benefits than the diplomatic corps, as a college degree is not always required to serve in various administrative positions.³⁷

The diplomatic corps affiliated with the civil service has high turnover, with appointments lasting a maximum of six years at the same consular jurisdiction. The rotation of highly trained diplomatic staff makes it difficult to create long-term relationships with civil society organizations and local labor standards organizations.

The Consular Network, Its Functions and Resources

The Consular Partnership Program at the DOL (which includes the Wage and Hour Division and OSHA), has a formal staff dedicated to immigrant worker outreach and is coordinated through the DOL's Bureau of International Labor Affairs. In most places, this program primarily deals with the Mexican consulate, but in other hyperdiverse cities, partnerships with over a dozen other countries are involved as well.

The Mexican consular corps has grown over time and now includes fifty-seven offices in North America (SRE 2021b). These are located in traditional Mexican immigrant destinations such as Los Angeles, Houston, and Chicago but also in newer destinations in the South and Midwest. The consular network's primary function is processing documentation such as birth certificates, marriage certificates, passports, and the famed *matrícula consular* (consular ID), which has become increasingly important for those immigrants unable to access US-based documentation. While citizens may process a passport at any office, since 2001 *matrículas* can be requested only in the relevant jurisdiction. Consular staff rely on the information gathered from these transactions to track the size and profile of their local Mexican population, especially the undocumented, who principally rely on *matrículas* as a means to show proof of residence at banks, car dealerships, real estate offices, and so on.³⁸

Consular offices vary widely in terms of the size of their physical space, their personnel, and the US jurisdictions with which they overlap. For example, the now-defunct consulate in Anchorage covers the entirety of the state of Alaska, while the consulate in Atlanta covers all of Georgia and Alabama, as well as seventy-four counties in Tennessee. By contrast, the states of Arizona and California are currently divided across several consular offices. As a result, consular advocates must help their citizens navigate a labyrinth of local laws, which are compiled in a classified master profile, the Carpeta Informativa Básica Consular (CIBAC; Basic Consular Information Binder), handed to each new consular leadership team. From the publicly available portions of the most recent CIBAC we were able to acquire (dated October 2012), the jurisdictional assignments can be thoroughly confusing and inconvenient. Office locations may also change, as was the case with the short-lived Alaska office, which opened in 2009 but then closed in 2015 because of budgetary constraints. The growing but relatively small Mexican population there must again rely on Seattle's office for support (Hillman 2015).

In addition to the fixed consular office, each jurisdiction deploys a mobile consulate, which is crucial for extending services beyond the cities in which consular staff are regularly located. This mobility is more consequential for some wide-ranging jurisdictions, such as the San Francisco office of the Mexican consulate, which also covers Hawaii. But the mobile consulate is also critical for those vulnerable populations for whom a trip to the local consulate office is unsafe

(as is the case in regions riddled with border patrol checkpoints) or unfeasible because of costs and transportation constraints. Like the permanent office, mobile consulates issue key documents such as *matrículas consulares*, passports, voter identification cards, and birth/death/marriage certificates and conduct community outreach related to various health and social service efforts (Castañeda and Arango 2014; Dudley 2014). Mobile consulates rely on community organizations to host daylong outreach efforts and to get the word out to Mexican migrants in the area. Though they fill an important need, these outreach events (which typically occur no more than a few times a year in a given location) fall far short of the need in any given region.³⁹ Attendees must still reserve an appointment through the difficult-to-navigate MEXITEL system for consular appointments, and mobile consulates rely on the availability of Departamento de Documentación staff, who are in charge of verifying the authenticity of identification documents and of issuing passports and *matrículas*. While an office may also deploy a *consulado sobre ruedas* / consulate on wheels (which contracts out additional staff), this model is far more expensive and less common (SRE n.d.-c).

Over time, the budget for the SRE (and thus for consular offices and diplomacy in North America) has also decreased, first during the Calderón administration and then again under López Obrador, who emphasized national security as opposed to foreign relations. Yet it is also clear that the vast majority of these diplomatic funds are predictably concentrated in North America, despite the growing importance of Europe and Asia as receiving areas of Mexican migrants (Farfán Mares and Velázquez Flores 2012).

Aside from consular offices, the central SRE office in Mexico City staffs “delegations” throughout the interior of Mexico, which process passports and provide other key service functions in a devolution framework (SRE n.d.-d). These offices are also unevenly staffed, with the largest concentration of personnel in various sites across the country’s capital cities as well as Monterrey, Nuevo León (at the border), and Guadalajara, Jalisco (also a major migrant-sending region). Central states with large populations of migrants in the United States, such as Michoacán and Guanajuato, have several satellite offices scattered throughout their regions to save their citizens unnecessary trips to the delegation to get a passport (a task that can be accomplished only in person, even for renewals). In states with a long tradition of transnational relations, migrant organizations have successfully advocated for more satellite offices. For example, the state of Michoacán has twelve satellite offices in addition to the central delegation in the capital city of Morelia.

Consular offices also vary substantially in their funding and personnel capacity. Allocations are based on revenues (typically from documentation requests), yet these resources are recouped by the central Secretaría de Hacienda y Crédito Público / Finance Ministry, then redistributed to individual offices—via a formula contested by many constituencies, who charge that it underfunds large jurisdictions

with high demand. According to budget analysis by Farfán and Velázquez (2012), most of the allocations for the SRE are for salaries and operating expenses, and the authors characterize Mexico's approach as largely "incremental and discretionary," reflecting a strategy that is "reactive, improvised, and at times a low priority" (91). For instance, offices receive only 15 percent back from document fees,⁴⁰ and the cost of passports is typically US\$165 for ten years (SRE 2021c); this seldom leaves offices with sufficient financial resources. Congressional leaders have long been lobbying for the Secretaría de Hacienda y Crédito Público to double this return (Comisión de Relaciones Exteriores 2021, 8). In 2020, in the shadow of the COVID-19 pandemic, the IME, the Departamento de Protección, and the Consular Services network suffered sizable budget cuts around 10–15 percent, though in a formal opinion issued to Congress a commission made clear the need to increase support for legal protection and body repatriation services despite the reigning austerity measures (Comisión de Relaciones Exteriores 2021, 7). Funding models also vary significantly within consular offices. For example, the famed *Ventanilla de Salud*, typically housed within the Department of Community Affairs, had a very modest budget under the Ministry of Health to cover coordination, support year-round activities, and put on the annual Binational Health Week event hosted by the consular network (SRE 2018). In the Departamento de Protección, however, no such resources are earmarked for labor protection. On the basis of public information requests to the Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales / National Institute of Transparency, Information Access and Private Data Protection (SHCP 2021), as well as conversations with several embassy staff members, funding for the annual *Semana / Labor Rights Week* appears to be discretionary.⁴¹ Again, our queries revealed no analogous specific appropriation for labor protection.

This is not to say that Mexico's commitment to helping workers mobilize their workplace protection is entirely symbolic. Indeed, as some officials argued, the allocation of Mexican government staff in Washington, DC, represents a financial commitment to realizing the assurances set forth in the 2004 and 2008 declarations. Furthermore, in 2017 the SRE began an initiative to increase services to Mexican migrants (*Fortalecimiento para la Atención a Mexicanos en Estados Unidos*). This one-time infusion of funds allocated a total of roughly \$1.07 billion MX pesos by executive discretion to five key priority areas: (1) human resources (320 service contracts) (17 percent), (2) legal protection programs for Mexicans in the exterior (67 percent), (3) consular services (5 percent), (4) alimony and other family support ("*Protección al Patrimonio*") (5 percent), and (5) support for migrants via delegation offices (6 percent) (SRE n.d.-c). This largest allocation—for legal protection, administered by the DGPM—included resources for a referral hotline, outreach and representation, coordination with local authorities and community advocates, rapid response mechanisms, "Know Your Rights" workshops, help with collective demands, and prison visits. It is important to note, though, that labor

protection is only one of several priorities for the consular network's Departamento de Protección (as we outline later in this chapter).

Despite these various supports, many popular and journalistic accounts have highlighted the frustration that the general public feels when seeking help from the underresourced and crowded consular offices (Avilés 2020), a situation only made worse by the COVID-19 pandemic (Conexión Migrante 2021; F. Martínez 2021). The vast majority of individuals approach the local consulate for vital records and travel documents, which must adhere to a strict and unforgiving set of rules subject to audit, much as the local DMV, county coroner, or Social Security office would. For decades, the Mexican government has sought to streamline the process for returnees attempting to prove their nationality (*presunción de nacionalidad*) (Gómez Arnaud 1990) while avoiding presumably fraudulent attempts by the rising number of Central Americans fleeing north (Suárez et al. 2017). Nonetheless, errors related to compound surnames and other misunderstandings abound.

Consular offices, especially in cities with large Mexican communities, almost always have a line winding around the building. The public must then pass through a gate manned by a (contracted) security guard into a waiting room before proceeding to an appointment with a frontline street bureaucrat who has little job security or power to exercise discretion. Even if the handling of a disagreement is passed up to a consul, the bureaucracy's rigidity and internal divisions can still stall a case depending on socioeconomic or nationalistic factors (Lomnitz 2001). Yet consulates are important lifelines for migrant communities, who could otherwise end up effectively stateless, without their country's recognition or access to documentation (CMS n.d.; UNHCR 2021). Consulates also have the ability to provide rapid-response documentation when US policies create openings, as they did during the 2012 and 2014 deferred-action programs (SRE 2021a).

Consular Labor Protection Services

The Mexican consulate's Departamento de Protección is the key entity for deploying labor rights resources and outreach (often in conjunction with the Departamento de Asuntos Comunitarios). Drawing on data from three consulates (El Paso, Raleigh, and San Francisco), Martínez-Schuldt, Hagan, and Weissman (2021) found that consulates help workers throughout the labor claims process, provide a wide range of services (from general information to legal referrals to in-house counsel), help broker interactions with various actors (including between migrants, with lawyers, and with other Mexican institutions), and can even be resources in the wake of an unsuccessful claim.

According to the 2013 *Guía de procedimientos de protección consular* (SRE 2013), the department encompasses a wide array of legal arenas, including human rights, immigration, criminal, administrative, civil, other special interest, and labor issues. Yet it is important to note that despite the binational agreements described above, there is no set budget for labor outreach. Rather, there are only norms for

expenditures, laid out by case and expense type (SRE 2011c). For example, there is a maximum \$1,000 allowance for contracted services (direct payments to a service provider), to be allocated if and only if a PALE resource (the Programa de Asistencia Jurídica a Personas Mexicanas a través de Asesorías Legales Externas en los Estados Unidos de América / Legal Assistance Program to Mexicans by Attorneys in the United States) has been pursued. (We discuss PALE further in the next section.) Any greater expenditure requires authorization from the DGPME. Criminal and immigration issues are overseen separately from civil and labor issues (SRE 2011a), and there is evidence that the consular network has shifted more of its resources toward penal cases after the interior enforcement program Secure Communities was reactivated during the Obama administration (Martínez-Schuldts 2020). This funding structure creates enormous pressures to stretch meager legal protection resources, as criminal cases can quickly consume the budget of any consulate because of the excessive cost of defense counsel in the US justice system.

Various mechanisms have been put in place over the years to facilitate consular legal advocacy. In some jurisdictions (including in California and Florida), the Programa de Asistencia Jurídica Telefónica Gratuita (JURIMEX) ran a 24/7 free hotline for legal advice. This program was eventually replaced by the network-wide Centro de Información y Asistencia a Mexicanos / Center for Assistance and Information to Mexicans (CIAM) hotline (SRE n.d.-a). The hotline was started in part in response to Arizona's infamous 2010 law, Senate Bill 1070, known as the "show me your papers law." Embassy staff emphasized that CIAM was available to anyone, and the hotline was an important resource during the "migration surge" of Central American migrants (among them unaccompanied minors.)⁴² CIAM was envisioned as a more comprehensive resource than the locally based labor hotlines in places like Los Angeles (EMPLEO [Employment, Education and Outreach]), New York (LABORAL), and Houston (Justice and Equality in the Workplace). Most of these hotlines rely on volunteers to answer calls, often in conjunction with both consular and labor agency staff.

Today, CIAM runs a massive hotline out of Tucson offering global legal referrals of all sorts, including in Mexico. Public information requests reveal that the largest proportion of calls to CIAM originate in the United States (from 2013 to 2020, 1,186,543 out of 1,546,67) and that the largest proportion are information queries to the Departamento de Protección (593,847 out of 1,546,672).⁴³ Specifically within the category of labor cases, from 2010 to 2018, 37,021 calls came in, with the most frequent type of query involving what are known as "wage theft cases" (see table 3). In general, consular personnel are available to give general information (often in conjunction with community advocates), but as the *Guía de Procedimientos de Protección Consular* emphasizes, consular staff cannot represent workers in hearings or at trial.

In some cases, consular staff may contract with lawyers through the PALE program. From 2018 to 2021, PALE issued 310 total contracts. The number and types

TABLE 3 Labor cases intake at the Mexican consular network in the United States

	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Labor discrimination	94	60	77	89	91	92	95	66	51	1,336
Workers' compensation	499	376	309	305	322	318	310	227	205	5,239
General info/ various	778	831	690	1,066	494	2,453	1,737	1,512	552	19,445
Wage theft	783	768	493	481	325	749	439	258	243	8,292
Labor rights violations	119	107	21	83	185	280	151	139	70	2,234
Labor trafficking	25	39	18	16	21	31	20	41	39	475
	2,298	2,181	1,608	2,040	1,438	3,923	2,752	2,243	1,160	37,021

SOURCE: SRE (2020).

of legal contracts (obtained through public records request) vary by city, and even within a state, patterns are not consistent. For example, Los Angeles saw the largest number of legal contracts (sixteen), seven of whose providers were classified as NGOs, while the border town of Eagle Pass, Texas, had only one contracted lawyer listed (based out of San Antonio, over two hours away) (SRE 2021d).

Each consulate's team of *abogados consultores* is a mix of pro bono volunteers and eligible paid contractors consulted when consular officials deem a case worthy of further investment and support. These services, however, are very limited, and not all affiliated attorneys are interested in taking cases that are either complex or difficult to win, or for which the demand for services is simply too widespread—as is the case with wage theft. Many of these cases thus go unprosecuted, and claimants have little recourse if the fundamental information for establishing a case is missing, as often occurs. As the Trump administration got under way and anti-immigrant public sentiment and state-sanctioned practices increased (CNN Español 2017; Cárdenas Suárez, Morayta, and Mabire 2019), President Peña Nieto responded to calls to add more resources to the Departamento de Protección. However, our review of these allocations concluded that they were extremely modest given the enormous need.

Consular Labor Outreach and Diplomatic Neutrality

The negotiations and agreements that have emerged over the last few decades are not the Mexican government's first foray into the migrant labor protection arena. Indeed, the eminent historian of the Bracero Program Gilbert González (1999) has revealed evidence of similar consular support of (government-sponsored) workers' unions. However, other scholars have documented government meddling that has undercut workers' rights, sometimes even resulting in their blacklisting (Vosko 2016). Therefore, the common refrain that we heard—that consulates are a neutral diplomatic entity that must follow the diplomatic protocol of nonintervention—is not entirely borne out by the historical record.

Some consular officials cited bylaws that prohibited them from commenting on US practices to avoid being construed as meddling in their host country's affairs. While a certain amount of commentary is allowed and does occur (González Gutiérrez 2019), diplomats must walk a fine line. In practice, this often means that voicing direct criticism, joining picket lines, and advocating labor strikes are prohibited. However, there are many examples where consular officials seem to tacitly support labor struggles, as when the consul general in California stressed the need to ensure that all building construction took place with union labor in order to maintain good relationships with Democratic leaders. Similarly, the Chicago consulate has allowed unions to use its space during organizing drives. Moreover, during the Trump administration, many consular officials and other diplomats went on record to criticize efforts to dismantle Deferred Action for Childhood

Arrivals (DACA) (Verel 2017), prolong family separation (Murray 2018), and build the border wall (Lara 2017).

At the local level, consular officials appeared to speak out more freely on issues, including capital punishment cases, which were often seen as human rights abuses in Mexico, where the death penalty does not exist (Navarro 2017). The politics of the southern border have increasingly become another sensitive topic for Mexico, especially as almost no Mexicans are granted asylum in the United States and Mexico has been increasingly roped into carrying out the US government's immigration directives through policies such as "Remain in Mexico," which have produced the sprawling camps for asylum seekers in untenable conditions in border cities such as Tijuana and Cd. Juárez (Kanno-Youngs 2020). This program was officially ended by President Biden in June of 2021, but a federal court compelled the Biden administration to restart the program in December of the same year while promising improved mechanisms to solve most asylum cases within six months (Human Rights Watch 2022). President López Obrador has defended the program, claiming that Mexico is now registering migrants to protect them and prevent migrant assassinations (López Obrador 2020). However, migrants continue to be frequent victims of crime while waiting in Mexico, regardless of being registered in the program. Moreover, Mexico has been roundly criticized for doing the US's dirty work by using heavy-handed tactics to "manage" northward migration from Central America (Correa-Cabrera 2020). This heated issue is complicated by the inconvenient fact that the greatest number of immigrants *in* Mexico are white Americans living in resort towns like Sayulita (M. Smith and Guarnizo 2009; Noriega and Gómez 2017). More than half (64.3 percent) of Mexico's foreign-born population were born in the United States, and almost a third arrived between 2015 and 2020. In Mexico, the number of Guatemalan, Salvadoran, and Honduran migrants represent less than 11 percent of the total foreign-born population. To be sure, Mexico still has an insignificant foreign-born population (1.2 million in 2020), less than 1 percent of the total population (Masferrer and Pedroza 2021).

The consular apparatus may espouse generally cautious diplomatic tendencies vis-à-vis Mexican-US bilateral affairs and other sensitive issues—opting instead to work toward feasible goals in a compartmentalized agenda (Ramírez García and Castillo 2012)—but at the local level, most consular officials strive to get their message out forcefully. As consular staff were quick to explain, all consular offices have a "community outreach mandate." In some cases, a consular official may reach out to a community organization, and in others, the community organization may seek out a relationship with consular staff. Local businesses with a significant Mexican clientele can also play a role in distributing worker education, though in some communities those local businesses have a track record of labor abuses (Mangaliman 2007).

And apart from the litany of centralized formal accords administered from the Mexican Embassy in Washington, there is a second track for consular collaboration.

Embassy staff recognize the importance of the rich history of *local* coordination, as in the pioneering office in Chicago (which benefits from a tight-knit base of labor unions that were key to consular coordination, such as UFCW), and those in Houston (which created the Justice and Employment in the Workplace Partnership), Los Angeles (which operates the EMPLEO hotline), and Sacramento (which collaborates with a university-based law clinic). Some of these relationships emerged “organically,” without the centralized coordination of the SRE.

Furthermore, prior to the existence of the bilateral agreement, many local consular officials were already seeking out relationships with labor standards enforcement agencies, often brokered by community advocates working on behalf of immigrant workers. This was the case, for example, in the late 1990s in Mississippi, where a relatively recent flow of Mexican migrants were working in the fisheries. These immigrants relied on local churches and groups such as the Mississippi Immigrants Rights Alliance, which also worked hand in hand with the local consulate, OSHA, and the Wage and Hour Division.⁴⁴ Frontline federal inspectors played an important role in building these relationships, even if agency leadership turned over. In this context, the *Semana* was an attempt to join and brand these disparate efforts under a uniform protocol for cooperation with an annual theme.

LABOR RIGHTS WEEK

Origins of the Semana

Chicago was considered one of the pioneers, having carried out the first *Semana* in 2008. This event laid the foundation of the wider *Semana*, which was launched formally in 2009 with a pilot group of fifteen consular offices, under the direction of then secretary of labor (and former Los Angeles labor advocate) Hilda Solis. Embassy staff reported that in 2010, 291 organizations were registered as participants in the *Semana*. These included federal/federated groups such as the League of United Latin American Citizens (LULAC) and the National Council of La Raza (now UnidosUS), among others.

The first *Semana* was held around Labor Day as a way to highlight the various events that were already happening throughout the year. It was the first time the consular network coordinated these efforts around a central theme, based in large part on Chicago’s model. The pilot cohort of *Semana* participants were selected on the basis of three criteria, according to embassy staff: (1) local consular capacity, (2) previous experience collaborating with key actors, and (3) the availability of resources and allies who could roll out the initiative. Once the various events were grouped under the *Semana* framework, the Mexican government coordinated outreach activities and a menu of collaborative strategies, such as talks hosted by mobile consulates, school-based workshops, or visits to local worker centers. Some locations also hosted film or theater presentations. However, as staff emphasized, each locality was free to follow “local norms” with “local allies.”⁴⁵ More

broadly, proactive consuls helped spread the program by instituting their unique models across offices, as did Joanna Navarrete, a former consul in Chicago who later moved to Boston and seeded similar collaborations.

In sum, the *Semana de Derechos Laborales* is a key civil society destination along the long arc bending toward greater US and Mexican accountability on immigrant workers' rights. Logistically, staging the event has required coordination between different units of the SRE, including the *Consultoría Jurídica*, the *Dirección General de Comunicación Social*, the *Dirección General de Delegaciones*, and the *DGPME* (and specifically the *Dirección de Protección para Estados Unidos de América*).⁴⁶ While the Mexican embassy in the United States and the US DOL signed a joint accord laying out general principles for the *Semana*, the *Dirección de Protección para Estados Unidos de América* coordinates a menu of on-the-ground activities and tracks attendance, caseload, participating agencies, press coverage, partner consulates, and local agreement renewals.

Initially a direct collaboration with the DOL, Labor Rights Week aimed to improve the Latino community's understanding of workplace rights and the resources available to them in the event they experienced a workplace violation. These goals built off the existing "preventative protection and follow-up" work that the Mexican government was already undertaking. In addition to circulating outreach material published by US regulatory agencies and advocates, the SRE produced guides outlining key themes such as workplace safety, wage and hour rules, guidelines governing guest work, discrimination protections, leave policies, and collective bargaining rights. These comprehensive guides also focus on the dynamics of "independent contractors"—many of whom are misclassified—and the rights of domestic workers (who are often excluded from key protections) (SRE and *Consulado General de México en Chicago* 2020).

Key Themes and Actors

Semana activities are centrally approved but are supported on the ground by local labor agencies and civil society collaborators. Nevertheless, national MOUs and local AEU's play an important role in the planning. Following the signing ceremony, the embassy circulates a memo to consular staff noting the importance of the week and providing a menu of events and workshops, as well as a list of "best practices" to make the week a success. One embassy official described the content of the memo matter-of-factly: "The *Semana de Derechos Laborales* is this week, this is the theme, these are the important uniform themes we want to communicate."⁴⁷ Then, in conjunction with local partners—and according to their respective capacities and priorities—"Each consulate plans a local program."⁴⁸ This centralized messaging ensures some continuity from place to place and from year to year. Starting in 2011 (the third year of the annual week), *Semana* themes covered specific topics such as women (2011) and education (2013); other themes have included the universality of worker rights, the importance of dignity, and the essential nature of labor protections, especially in the midst of the COVID pandemic (table 4).

TABLE 4 Yearly themes for the Semana de Derechos Laborales (2009–20)

Order	Year	Theme
1st	2009	(inaugural Semana de Derechos Laborales)
2nd	2010	(no theme)
3rd	2011	Women in the Workplace
4th	2012	Promoting Labor Rights Is Everyone’s Responsibility
5th	2013	New Century Worker: Your Education and Work Count!
6th	2014	We All Have Workplace Rights
7th	2015	I Have Rights in the Workplace
8th	2016	Your Work Has Dignity! Know Your Rights
9th	2017	Know Your Rights at Work: The Well-Informed Worker
10th	2018	All Workers Have Rights
11th	2019	The Value of Your Work
12th	2020	Your Rights, Like You, Are Essential

SOURCE: Personal communication, Secretaría de Relaciones Exteriores, March 17, 2021.

Labor Rights Week activities are only a small part of the programming held throughout the year in many jurisdictions. Yet focusing on the frenzy of this week is useful, as it reveals the messaging and intentionality of consular efforts around labor advocacy. To this end, our research team assessed the last decade of consular labor rights outreach through a combination of mainstream and ethnic news media archives, social media searches (Facebook, Twitter), and advanced Google searches of Labor Rights Week events (including individual consulate websites, which in general are not frequently updated).

While the yearly themes set by the SRE are fairly generic, specific programming topics vary depending on the priorities of local civil society partners. Depending on capacity, Labor Rights Week outreach may focus specifically on a particular labor issue or more broadly on a menu of legal concerns. Information session topics have included DACA, U- and T-visas, the rights of H-2A and H-2B guest workers, wage theft, workplace safety and health, discrimination and sexual harassment protections, and even community leadership training. For one office, the focus may be on high rates of injury and fatalities on construction sites, for another, heat safety in agriculture. The Chicago consulate’s Ventanilla Laboral / Labor Affairs Window Program advertises, for example, free informational consultations on “labor issues,” but it also offers sessions related to immigration, criminal, civil/family, and other administrative issues. In the midst of the COVID-19 pandemic, this outreach material was paired with flyers from the Farmworker and Landscaper Advocacy Project encouraging individuals to get vaccinated and informing them about where to seek emergency funds (Consulado General de México en Chicago 2022). Outreach activities happened both within and beyond the consular

office. For example, the Chicago consulate hosted events at local churches in the communities of Cicero, Bensenville, South Chicago, and Waukegan (Consulado General de México en Chicago 2011).

Local stakeholders are by far the most significant actors in these consular coalitions, many staff confirmed. To be sure, the landscape of local industries and civil society shaped outreach efforts. For example, in California's Central Valley agricultural region, field safety and collaboration with the United Farmworkers predominated. In Chicago, local chapters of national unions such as UFCW, United Electrical Workers, the SEIU, and United Auto Workers, alongside several prominent worker centers, kicked off the week's events. Consular activities in Washington, DC, included the pan-Latino advocacy group VACOLAO (Virginia Coalition of Latino Organizations) and legal aid groups such as Maryland Legal Aid and the Legal Aid Justice Center. In Atlanta, partners included not only the local Georgia Immigrant and Refugee Rights Coalition but also a business group—the Hispanic Construction Association. And in “new destination” communities such as Omaha, Labor Rights Week relied on a tight community of nonprofit and faith partners such as Catholic Charities, the Heartland Workers Center, Justice for Our Neighbors, the Latino Center of the Midlands, Nebraska Appleseed, One World, and the University of Nebraska.

As one Mexican embassy staff member explained, some offices may rely almost exclusively on information sent by Mexico City offices, which they then translate into public service announcements distributed locally, while others utilize far more autonomy and tap into local resources.⁴⁹ A consulate's collaboration with local decision makers is, however, dependent on the extent to which they have developed relationships with and educated local officials about their role, as one official noted. From this perspective, embassy staff stressed the need to be nimble rather than to apply strategies uniformly at the local level: “It's important that each consulate has the space to develop strategies and methods in their annual programming . . . and to work with the most pertinent agencies.”⁵⁰ As such, local civil society (e.g., churches, day labor centers, hometown associations, civil rights advocates, legal service providers) provides “natural communication channels,” which consular officials use to disseminate information and to dialogue with local communities. These groups are critical logistically as well for everything from organizing mobile consulate days to conducting outreach to agricultural camps to visiting prisons: “They multiply our capacity to see and hear what is happening in our communities across the country,” this staff member explained.⁵¹

In places where the Mexican consulate is part of a much larger consular corps (as in New York, Washington, DC, and Los Angeles), it also plays an important role as a convener for other Latin American consulates. In many cases, MOU signing ceremonies were jointly held with the US labor secretary and a collection of ambassadors from other countries, in conjunction with the agency's Consular Partnership Program. For example, at the tenth anniversary of the EMPLEO

program in Los Angeles, the Mexican consul general was joined by counterparts from several Central American consulates. And that same year, DOL representatives in Los Angeles met with consular officials from the People's Republic of China (ILAB 2014b). During Labor Rights Week, agencies also coordinate outreach efforts across consular partners, either to cosign material to be distributed or to rotate workshops throughout the various consular offices.

While the diplomatic standing of consular officials permits them to sign official bilateral MOUs only with national counterparts, several consulates have also coordinated with state and sometimes local agencies. For example, Chicago's 2009 *Semana* kicked off with remarks by an official from Illinois's DOL and Department of Human Rights, who spoke alongside the US DOL (Consulado General de México en Chicago 2009). In Fresno, California, consular officials have worked with California's Agricultural Labor Relations Board, the sole state-level agency in the country focused on implementing the collective bargaining rights of farmworkers, who are excluded from federal protections. Across that state, the California Board of Workers Compensation, the Division of Labor Standards Enforcement, the Department of Fair Employment and Housing, and Cal-OSHA all enforce protections that surpass federal minimums, highlighting the importance of consular-state collaboration. In Orlando, Florida's Department of Economic Opportunity, Division of Workforce Services, and the Department of Agriculture and Consumer Services have provided consular outreach, as have Arizona's Division of Occupational Safety and Health in Phoenix and the New York State DOL human trafficking initiative in New York City. Finally, even though it was not an official signatory to the Justice and Equality in the Workplace Partnership in Houston, the Texas Workforce Commission has been a key option for immigrants pursuing wage theft claims. All of these cases demonstrate why consulates must work with state and local agencies as well as federal ones.

CONSULAR LABOR INTAKE STATISTICS

Like any bureaucratic institution, consulates are required to report how many events were held, the type of event, how many people attended, and how many cases were referred to enforcement agencies. According to SRE records, from 2010 to 2018, labor case intake fluctuated, decreasing in some years and then rebounding. Beyond general inquiries, the largest segment of case intake was classified under "wage theft," followed by workers' compensation. Far fewer cases involved discrimination or labor trafficking (see table 3).

Case statistics over the last two years reveal a predictably disproportionate number of cases (three-quarters) brought by men. In some regions, this disparity is even greater: for example, in Milwaukee 271 of 278 cases in 2020 were filed by men. Furthermore, while some consulates are registering dozens of cases each year, other large cities (such as Boston, Miami, and San Jose) have only a handful,

though caseloads vary substantially from year to year. It is likely that these generally low numbers reflect a robust system of referring cases to community-based resources. All told, there were 1,154 total cases in 2019 and 1,121 in 2020, reflecting the general reality that the Mexican consulate plays a very small role as a direct service provider to its diaspora of 10.9 million people living in the United States in 2019 (Israel and Batalova 2020).

According to its internal reporting for its recorded highs, consulates collectively hosted 947 events in 2016, served 72,156 individuals (2017), worked with 852 “participating agencies” in government and civil society (2015), and conducted 661 media outreach spots (2012). The number of participating consulates (including and beyond Latin America) had risen to eighteen in 2017.⁵² But as SRE staff admit, the growth and success of the annual Labor Rights Week have not translated into enough tangible actions:

The main challenge for Labor Rights Week is to get the Mexican community to make it to the events held at the consulate and beyond—take advantage of labor agencies who are present and the organizations and lawyers who could take a look at their cases. It’s not uncommon for attendees to show up to the consulate . . . this week to deal with their *matricula* or passport but not necessarily bring with them all the necessary documentation [for their labor case] such as pay stubs and other evidence that would facilitate a more effective consultation. . . . We haven’t managed to transform a purely informational event into one that addresses cases. While the number of participants [of the Semana] goes up every year, the number of cases attended [to] does not reflect this.⁵³

This problem persists despite the week’s success in striking up collaborations with federal and state agencies and labor lawyers.⁵⁴ Furthermore, there is a clear imbalance in the types of cases processed by consulates. Consular reports reveal an overwhelming focus on workplace injuries and wage theft. These are certainly two of the most difficult arenas in which to enforce protection, but there are other complex legal arenas such as discrimination and collective bargaining that are not represented in the consular caseload.⁵⁵

CONSULATES THROUGH THE LENS OF COOPERATION AND CONFLICT

In sum, the US labor standards enforcement system is a maze that leaves potential claimants searching for allies who will help them navigate it to secure resources. For Mexican immigrant workers, the local consulate has become one of these key brokers, helping to coordinate the confusing and siloed enforcement arenas. It uses its diplomatic standing to connect with federal counterparts—leveraging this influence to access state and local bureaucracies where possible—in order to help workers identify the best way to file a viable claim and (when relevant) manage the anxieties created by the ever-looming immigration enforcement regime.

Consular staff seek to foster community goodwill but, more important, to build on supranational and bilateral obligations, commitments espoused by recent labor reforms in Mexico and the country's relatively recent turn toward "diaspora diplomacy." Yet Mexico's role in advancing the rights of its export labor is not simply a response to top-down mandates; rather, it stems from demands initiated by domestic and transnational civil society groups. Indeed, labor unions and immigrant rights activists planted the seeds for the Ventanilla Laboral, the yearly *Semana*, and dozens of partnerships that have become firmly rooted in everyday consular practice today. To be sure, these modestly successful state-society partnerships build on the successes of an increasingly visible transnational-oriented migrant civil society. These advocates managed to institutionalize a now-defunct collective remittance-matching fund to address rural development needs (the famed *Tres por Uno* program, 2002–20)⁵⁶ and achieve the significant restitution of electoral voting rights for all Mexicans living abroad (Pintor-Sandoval 2021).

The annual Labor Rights Week has become a defining consular function and a major coordination feat, as it requires signing LOAs with many federal agencies, maintaining relationships with state and local agencies that are fighting for stronger protections (despite the lack of diplomatic relations), and creating referral networks and working partnerships across the variety of civil society groups in each consular jurisdiction. These events and the accompanying signing ceremonies are critical to ensuring consistent participation, as consular staff inevitably turn over and must juggle various competing federal and state mandates. However, the exact ways in which these partnerships materialize depend on the demographic makeup of the diaspora in a community, the economic and industrial landscape, and the conglomeration of immigrant worker advocates. Moreover, while such elaborate annual public campaigns have become part and parcel of consular protection—and have been formalized through a series of federal memoranda—the realities of these agreements differ radically on the ground.

The institutionalization of Mexico's migrant labor protection program is a major accomplishment and reflects a telling shift from (or ongoing contradiction with) state efforts to interfere with and sometimes actively stifle advocates working to build worker power. Official programming also faces a series of logistical challenges, including the rigidity of diplomatic institutions and personnel. These obstacles call into question the ultimate sustainability of a tripartite enforcement regime in which the sending state is a key actor. Nevertheless, Mexico's shift has paved the way for a long list of other diplomatic actors (from Latin America and beyond) to similarly provide other immigrant communities with a framework for demanding commensurate protections and resources.

The question remains, however, how much practical impact these investments will have, despite the symbolic importance they hold for managing bilateral relations and the demands of a transnational civil society. It is still too early to predict if the two main actors, Mexico's SRE and the US DOL, faced with limited

requests from civil society advocates for offering transparency and accountability to direct service government programs, will have the capacity to measure and evaluate the real impact of Labor Rights Week in preventing and/or addressing labor standards violations of Mexican migrant workers in the short, medium, and long term.