

The Sending State and Co-enforcement

Mexico's Role in Brokering Immigrant Worker Claims Making

Mexico is an emblematic case of the increasingly active role of origin countries in managing the rights of their diaspora. Yet as described in chapter 2, Mexico's diplomatic presence across North America is in many ways unique. With fifty-seven consular offices across Canada and the United States, it is by far the most imposing actor in the diplomatic corps. And while reports have shown increasing activity of other migrant groups (Indian and Chinese in particular), Mexico is still the top origin country of immigrants in the United States, and almost 97 percent of all emigrants from Mexico reside in the United States (Israel and Batalova 2020; Budiman 2020). Reflecting this demographic strength is the robust bureaucratic apparatus that serves the estimated 10.9 million Mexican migrants living in the United States and the US-born descendants of Mexican citizens who have been eligible to also naturalize since 1997 (Mendoza 2021). This bureaucracy has become an important political actor and resource in cities across the United States. While other countries have an important presence in the United States as well, no other diaspora has the same combination of population size and distribution, relatively amenable bilateral relations, institutional capacity, and a pressing need for institutional support. (Figures 2, 3, and 4 provide an overview of the dispersion of the Mexican population in the United States.)

Mexico's consular offices—the prime instantiation of a foreign country's diplomatic presence—have thus become key actors in labor regulation, at least in places where they have developed relationships with US agencies and civil society partners. Many of these same community partners pushed for greater accountability, an effort that eventually led to the working relationships and legal instruments (national and bilateral) seeking to ensure that Mexico respects migrant worker rights. (Refer to chapters 2 and 5 for the full history of civil society's role

in demanding these mandates.) While the 2008 memorandum of understanding on worker rights was struck between Mexico's Secretaría de Relaciones Exteriores / Ministry of Foreign Affairs (SRE) and the US Department of Labor (DOL) (primarily responsible for enforcing protections such as minimum wage and health/safety), other key agencies such as the Equal Employment Opportunity Commission (which sets antidiscrimination standards) and in some cases even the National Labor Relations Board have followed suit with their own agreements.

Yet despite its outsized role, the Mexican consular network is far from the only organization with which these agencies must engage. In fact, in jurisdictions across the United States, states and localities add another layer of enforcement complexity. For example, as of 2021, twenty-nine states and Washington, DC, have more robust minimum-wage laws than federal law mandates, and forty-one localities have set a minimum wage higher than their state minimum wage (Economic Policy Institute 2019). Other jurisdictions have gone even further to institute living-wage laws (Luce 2004) and have instituted their own enforcement bureaucracies that work openly with community partners (Fine and Bartley 2019). While many researchers have highlighted the simultaneous necessity and inadequacy of an individual workplace rights approach in the face of declining collective bargaining and rampant neoliberal policies (Lichtenstein 2002), workplace regulation remains one of the few tools available for checking employer power and defending worker well-being. Local Mexican officials looking to address the workplace rights of their emigrant workforce in those communities must become knowledgeable about every layer of this complicated regulatory apparatus.

The Mexican consulate performs a varied set of functions in the labor standards enforcement process year-round, though it is especially active during the long-running Labor Rights Week. In this annual fall event, many consular offices transform into hubs for disseminating information to local communities about their rights in the United States or in their particular states and localities. They host "Know Your Rights" workshops (on- or off-site) and disseminate pamphlets and flyers to attendees who pass through the office. These efforts are by no means a uniform corrective to the structural imbalances in the low-wage labor market. However, such worker outreach is an ostensible action to boost the efforts of government agencies (which often struggle to reach immigrant communities) and of labor advocates (whose resources are also limited).

In addition to in-person programming, many savvy consular offices have developed a significant media presence, releasing information on their Facebook feeds or through local public service announcements on ethnic media; some even host telethons. (Official websites for consular offices tend to be maintained with varying regularity, and social media have been increasingly used as information portals.) Beyond the week dedicated to labor rights—which many argue is a largely symbolic affair—the most proactive consulates cultivate relationships with other co-enforcement actors. These include not only federal and state agency officials

but also community advocates who are attuned to community needs and whose experience often far eclipses that of consular officials, who tend to serve short-term assignments in a given city.

A handful of consular offices have gone so far as to host hotlines and contract with private attorneys to provide assistance “in house” to workers seeking help, but most consular offices refer out the vast majority of cases. Nonconsular advocates often guide workers to a US agency or refer them back to a consular office to obtain documentation or additional help in pressuring employers or making inquiries to regulatory agencies. This merry-go-round process frustrates workers, who are spun around to various agencies and organizations before hopefully finding a viable way forward to file a claim. Rare is the consular office that is able to fully and singlehandedly meet the goals laid out in the 2004 memoranda of understanding. Interestingly, a stronger civil society apparatus might actually decrease direct consular involvement. In their assessment of Mexican consular network administrative data (the Sistema Integral de Protección Consular / Comprehensive Consular Protection System), Martínez-Schuldt (2020) finds that in places where the density of local organizations is higher, the consulate directly takes on significantly fewer cases; that is, the burden falls on civil society. While this finding is not robust for labor cases specifically, the association remains negative, suggesting a differential role for consulates depending on the presence of other partners in their respective jurisdictions.¹

Given these deep community entanglements, this chapter offers a more refined organizational lens for understanding how the Mexican government has collaborated with worker advocates across a range of regulatory arenas and jurisdictions in co-enforcement arrangements. In line with other critiques of “responsive regulation” efforts to keep state and market forces in check (Parker 2013) and protect worker rights, we reject approaches that either disparage or celebrate consular support; instead, we are interested in what does or does not work, and why. We thus offer a bottom-up organizational analysis of sending-state co-enforcement efforts. While this approach implicates a wide range of civil society actors, we focus here on those most engaged with labor education and organizing (labor unions and some worker centers) and access to justice (legal service providers). In chapters 4 and 5, we discuss the wide range of other outreach and rights mobilization efforts advanced by advocates working across national borders to contest state power.

We begin by examining the co-enforcement process and how labor unions and other worker-led organizations have engaged the Mexican government in it. In doing so, we do not aim to glorify this process: indeed, despite its clear benefits, it is not a panacea, given the various challenges we discuss below. However, the co-enforcement of immigrant worker rights provides a useful lens through which to view attempts to increase state accountability across borders, as well as the various ways migrant-serving organizations are leveraging consular obligations to improve labor standards regulation in the United States. For the labor movement,

we identify at least three benefits to collaborating with the Mexican government: (1) it gives them access to a broader set of power brokers; (2) it provides them with a captive audience (i.e., consular visitors) for labor education; and (3) it facilitates organized labor's shift to a regional strategy. Our aim is not to conduct a policy evaluation but to understand how these processes get to be implemented and by whom.

In the second half of the chapter, we examine the collaborations between public interest law organizations and Mexico's consular network. We argue that the impact of these coalitions depends on the local civic and political context. While we document many benefits, we also reveal persistent challenges across the consular network. We conclude by reconsidering the sending state's potential within the co-enforcement framework, both as a lateral collaborator and, more typically, as a bureaucracy that must act forcefully, but with diplomatic restraint, to defend the limited rights of Mexican citizens.

REVISITING LABOR CO-ENFORCEMENT THROUGH A CROSS-BORDER LENS

The Mexican government's shift to begin advocating on behalf of its emigrant workforce can be tied to both homeland politics (i.e., efforts to regain migrant loyalty and attract family remittances) and bilateral relationships that Mexico has cultivated (chiefly with the United States). Yet we know that these migrant rights advocacy efforts have remained largely aspirational (Gordon 2006), in large part because of the complexity and costs required. Not only does such advocacy require expending tremendous resources above and beyond everyday consular staff functions, but delicate homeland politics can frame investments in the diaspora as directly competing with the needs of those workers who remain in Mexico. Moreover, Mexico's more proactive stance emerged after a long history of direct antagonism to emigration, and despite years of failing to pay restitution to Bracero guest workers, whose wages were garnished by the Mexican state, supposedly to fund savings accounts to be accessed upon their return (González 1999). Given this history, Mexico's claim of renewed devotion to its diaspora has been viewed with suspicion, and its recent efforts could rightly be written off as "junket affairs" of politicians making empty promises while wasting taxpayer dollars (FitzGerald 2008). Nonetheless, understanding the Mexican government's attempts to engage in the co-enforcement of migrant worker rights is analytically useful. Domestic labor agencies in the United States—federal, state, and sometimes local—provide a regulatory framework for the sending state's immigrant worker advocacy, as US agencies are also engaged in co-enforcement efforts with a wide variety of other civil society stakeholders. By focusing on two key organizational fields—the labor movement and access-to-justice advocates—we consider how sending states' promigrant narratives become institutionalized in local communities and

are interpreted by existing civil society. To this end, we revisit traditional theories of co-enforcement, which focus largely on the state's relationship to worker organizations, through the lens of the sending state.

In the classical model of tripartite enforcement, Ayres and Braithwaite (1992) explain, the firm, the state, and worker organizations should all have equal standing under a “responsive” regulatory framework (Amengual and Fine 2017). The core argument of “responsive regulation” is that the third leg of tripartism—worker organizations—is necessary to keep state and market forces in check. Several analysts have critiqued the feasibility and efficacy of the responsive regulation approach to labor co-enforcement in the United States and beyond (Weil 2016; Marsden, Tucker, and Vosko 2021; Parker 2013; Berg 2016). Criticisms aside, this institutional model has been adopted (with varying degrees of success) across many migrant destinations and with increasing sending-state involvement. While other grassroots worker-led models have emerged to advance worker rights (sometimes even outside formally sanctioned processes) (Fine et al. 2018), our focus here is on efforts to shore up formal, worker-driven claims-making channels in the United States.²

In one study of these formal channels, Amengual and Fine (2017) examine the case of Argentina and the United States to highlight the unique collaborations that can emerge between regulatory agencies and worker organizations, each of which must also navigate context-specific political realities. As they argue, tripartism is not merely concerned with “guarding the guardians” in labor regulation. It also serves to feed claims to regulators and inform their proactive strategies. However, for a functional partnership to emerge, there has to be a give-and-take. State agencies have to be willing to share information, collaborate in decision-making, and risk being viewed by the business community as biased in the workers' favor. Worker organizations must collaborate with entities with whom they have often had an adversarial relationship and be willing to follow the logic and time lines of a frustrating, slow-moving bureaucracy (132).

Tripartite models of co-enforcement have increasingly incorporated the sending state as origin countries expand their notions of migrant governance, often in response to the explicit demands of their diaspora (Margheritis 2016). However, the relationships between host country governments (who seek outreach partners) and origin country governments (who seek legitimacy) vary substantially from place to place. Oswalt and Rosado Marzán (2018) distinguish between “side-to-side” co-enforcement partnerships that rely largely on “agency-agency” collaboration (e.g., between federal and state departments of labor) and “up-and-down” or “agency-to-advocate” collaborative models with civil society, such as those where union officials are deputized to assist in regulation (Fine and Gordon 2010). The consular network's participation introduces a hybrid model to this typology. Purely bilateral cooperation between two government entities is uncommon; more typically, these partnerships also incorporate an outward-facing component

of collaboration with civil society, as with the “Chicago-Area Interagency Workers’ Rights Roundtable” that Oswalt and Rosado Marzán profile in their study.

As this overview shows, consular bureaucracies do not exist in a vacuum. They operate in an established system of enforcement actors, where they can help fill enforcement gaps. Thus the utility of consular advocacy in the co-enforcement process depends on jurisdiction and the characteristics of the local immigrant community. Furthermore, NGOs constitute a heterogeneous sector with different aims and tactics (as we describe in chapter 4). Focusing on the co-enforcement of labor standards, we examine the nature of consular collaborations with labor organizations and legal service providers. In doing so, we highlight the importance of meso-level differences for analyzing relations among state actors and between Mexico and its emigrants settled across the United States. Finally, we assess the critical role of consular leaders and the relationships that emerge with their bilateral government counterparts and with community actors.

MAPPING CIVIL SOCIETY ONTO THE CO-ENFORCEMENT PROCESS

In a claims-driven regime where those most vulnerable to labor violations are also the least likely to bring forth a claim, the fraught process of brokering immigrant worker rights becomes essential. These claims are the core mechanism for triggering regulatory responses, but they can be incredibly costly for workers, in terms of both time and opportunity costs and the psychic burden that these confrontations can entail (Lesniewski and Gleeson 2022). But of course many workers and their advocates do come forward, adopting an array of strategies. Moreover, new alt-labor advocates have cultivated impressive models for participatory enforcement to compel employer compliance (McCartin 2009; Fine 2011; Vosko 2020; Kader 2020).

However, government regulation remains the most widespread mechanism for overseeing the low-wage labor market. This regulation can include, for example, filing a claim with the DOL for nonpayment of wages or breaks violations, submitting a complaint to the Occupational Safety and Health Administration regarding unsafe work conditions, filing for workers’ compensation after an injury, or approaching the Equal Employment Opportunity Commission for ongoing sexual harassment. In each of these arenas, co-enforcement models (buttressed by community partnerships) have emerged. Here we focus on these attempts to navigate official US labor standards enforcement processes, attempts often brokered by key advocates such as labor organizations, legal service providers, and sometimes a consulate.

The benefits of this supported claims-making approach are many. For workers themselves, securing the help of an advocate can greatly increase their ability to file a claim and ultimately win restitution (Gleeson 2009). For enforcement agencies

(or any government entity), collaborating with civil society groups can be an effective way to multiply their reach to immigrant communities (de Graauw 2016). In this regard, the consular network functions as an ancillary both to US labor agencies and to civil society groups advocating on behalf of immigrant workers. In this crowded landscape of labor standards enforcement, the costs and benefits of collaborating with the consulate network will vary substantially depending on the type of organization in question (whether a labor union, a legal aid organization, a worker center, or an immigrant rights organization) and its location.

These demand issues aside, many factors have compelled the Mexican government to aid in the enforcement of immigrant worker rights. To be sure, the bilateral agreements between Mexico's SRE and various US agencies have provided a workable framework for intervention. However, these very instruments are (as we described in chapter 2 and discuss at length in chapter 5) the result of long-fought transnational advocacy efforts for broader accountability. Moreover—and in part responding to demands from US labor advocates—US labor agencies have increasingly invested in community liaisons in order to more effectively inform workers about their rights and gain the trust of marginalized communities (Gleeson and Bada 2019). The DOL's Wage and Hour Division, for example, initiated a Community Outreach and Resource Planning Specialist (CORPS) position, which has now been staffed in many offices across the country (Wage and Hour Division 2021). CORPS staff make it a point to connect with a wide array of community groups and often work in conjunction with the International Bureau of Labor Affairs' Consular Partnership Program. Meanwhile, Mexico's recent outward shift is part of a growing trend of "diaspora diplomacy," in which sending states address key issues related to their export labor, including trafficking and fraudulent international labor contracting. Labor standards enforcement is premised almost entirely on worker-driven claims (especially those of the most vulnerable workforce, including low-wage migrant workers). Thus both origin and destination countries clearly have an incentive to collaborate, and in the Mexican case the wide geographic dispersion of their consular network places them in the unique position to establish co-enforcement partnerships across states that no other origin country with a large population of emigrants has been able to replicate.

Yet these collaborations are only as successful as the parallel partnerships they can create with community organizations with a proven track record of working with immigrant communities. As many of these community groups work directly with immigrant workers, they must consider the potential value added (or the burden) of collaborating with the consular network. Consular staff can offer key assets such as language access, legitimacy with local Mexican immigrant communities, diplomatic access to local regulatory agencies, and the organizational capacity to host programs and conduct outreach. For some community groups, these are coveted advantages; for others, they are simply duplicative functions given their existing community partners and their own organizational capacity.

While the Mexican government has rhetorically staked a claim in the workers' rights enforcement arena nationally, in practice its ability and willingness to collaborate depend on its local capacities and civil society's willingness to engage. This potential for partnership often hinges on local organizations' central mission and service focus. Some mobilizing organizations are primarily involved in providing initial outreach and referrals to workers, others in direct service and claims processing, and still others in pushing for workers' rights reforms through policy advocacy. Consulates are differently useful in each of these arenas. While consular offices can indeed become a one-stop shop for distributing information about workers' rights, they are more limited as long-term service providers and are useful only in very select policy advocacy endeavors because of their severely curtailed ability to intervene in domestic affairs. Materially, consulates can provide space and personnel, but symbolically they can also offer advocates leverage and legitimacy. This unique influence—exerted through a phone call, a letter, or even a rare visit from consular officials—can be wielded strategically in dealings with US counterpart agencies and sometimes even employers. Yet this same formalism and symbolic heft can be counterproductive in outreach to vulnerable communities that feel disenfranchised by or distrust their own home government.

Indeed, consular collaboration poses challenges. It requires time and resources, and it is variably practical and effective, depending on the issue at hand. Labor and employment law is divided into siloed statutes and agencies (wage theft, occupational safety, discrimination, gender equity, etc.), and community groups differ in their capacity and in the strategies they deploy to address each. Some have full-time staff dedicated to casework (occasionally even lawyers), while others see legal claims as merely a stepping-stone to a loftier organizing or policy advocacy goal (Fine 2006). Thus depending on claim types, industries, and the categories of workers involved, a consulate is more valuable in some co-enforcement arenas and contexts than others.

Civil society is also not a monolith, and many complex organizations must juggle a number of mandates. We build on Bloemraad, de Graauw, and Gleeson's (2020, 292) characterization of immigrant organizations as the "civic infrastructures of immigrant communities, that is, the set of somewhat formalized and organized groups that are neither public institutions nor for-profit businesses and that serve or advocate for these communities."³ Here we focus especially on two groups that frequently engage with workers' rights co-enforcement and the claims-making process: labor organizations and legal service providers.

We begin with labor unions, which in the United States are a waning institution but remain the best predictor of job quality and immigrant worker power in many jurisdictions (Thomason and Bernhardt 2018). Unions played a primary role in establishing Labor Rights Week. They steward their existing members' collective bargaining contracts and have increasingly engaged in organizing immigrant workers and advocating for policies to benefit all working people across the

globe (Adler, Tapia, and Turner 2014). We also pay attention to the role of alt-labor groups, which are nonprofits that lack the power to collectively bargain but are assuming an increasingly important role in the co-enforcement process and migrant worker advocacy efforts writ large (Fine et al. 2018).

We then turn to legal service providers, another key partner in consular efforts to advance migrant worker rights. The Mexican consular network is an important resource for helping workers lodge a claim, and the consulate staff turn to lawyers for training and for referrals when workers come to them seeking legal assistance. While many types of organizations provide some form of rights training and “low-touch” legal orientation, here we focus especially on organizations pushing for access to justice via formal legal service regarding labor and employment issues (Rhode 2004).

ORGANIZED LABOR AND IMMIGRANT WORKERS

The Labor Movement’s Legacy with Immigrants

Labor unions have long played a critical (and often complicated) role in advocating for immigrant workers. In 1986, the AFL-CIO argued in favor of punitive employer sanctions for hiring undocumented workers, which have since proved to be a major detriment to immigrant workers seeking work and a boon to immigration enforcement efforts. However, since 2000, the AFL-CIO has vocally thrown its support toward an amnesty for undocumented workers, alongside other interim quasi-legalization efforts. For the biggest “immigrant unions,” this stance is a key survival strategy. Private-sector union membership in the United States is at its lowest point in decades, at 6.4 percent nationwide in 2018, compared to 24.2 percent in 1973 (Hirsch and Macpherson 2020). Among immigrant workers membership is even lower, and on average over the last decade Mexican immigrants have the lowest unionization rates, partly because of their disproportionate representation in low-wage, nonunion jobs (Milkman and Luce 2020). In this context, supporting immigrant worker rights and strengthening immigrant worker unions go hand in hand.

The Mexican state assumed a more “active” role in the well-being of its diaspora in large part thanks to the demands of immigrant civil society, many of whose leaders had deep roots in the US labor movement. These leaders were the key architects of strategic organizing campaigns in high-immigrant industries such as UNITE-HERE’s “Hotel Workers Rising” (UNITE-HERE! 2006), the iconic Justice for Janitors campaign of the Service Employees International Union (SEIU) (SEIU n.d.), and various campaigns by United Food and Commercial Workers International Union (UFCW) for sectors ranging from meatpacking (UFCW n.d.) to ethnic grocers/*mercados* (Bend the Arc and UFCW Local 5, 2013). Each of these efforts included community alliances, for instance UFCW’s work with the Frente Indígena de Organizaciones Binacionales in central California’s agricultural

industry and the Federación de Clubes Michoacanos en Illinois, located in Chicago. Furthermore, well-organized migrant leaders across the United States (as we describe in chapter 5) were actively involved in transnational labor solidarity campaigns with Mexican unions.

To be sure, unions have diverse memberships and aims, and despite the declarations of national leadership in favor of immigrant worker rights, local affiliates are often less receptive. Moreover, even in some places where immigration is significant, union leadership remains largely white and native born and is sometimes opposed to proimmigrant policies (T. Lee and Tapia 2021). There is no doubt, though, that the labor movement has been a critical proponent of immigrant worker rights, from outreach to collective bargaining to policy advocacy (Delgado 1993; Milkman 2020).

The labor movement's advocacy around immigration reform has been undeniable at the national level (Wong 2017; Nicholls 2019), but it has also played out in state legislatures and local government chambers. For example, Chicago unions worked in conjunction with the Illinois Coalition for Immigrant and Refugee Rights to back a bill that now allows undocumented immigrants to secure a driver's license.⁴ In San Jose, the SEIU worked with a broad coalition (brought together by the AFL-CIO-affiliated Working Partnership USA) to back a ten-dollar minimum wage (Partnership for Working Families n.d.).⁵ And in Houston, the Harris County AFL-CIO incubated and partnered with the Fe y Justicia Worker Center (originally incubated by the Interfaith Worker Justice network) to spearhead the ultimately successful "Down with Wage Theft" campaign (Houston Interfaith Worker Justice Center 2012).⁶

Throughout these campaigns, unions partnered with various community coalitions (Turner and Cornfield 2007; Milkman, Bloom, and Narro 2010; de Graauw, Gleeson, and Bada 2019) but also strategically courted the Mexican consular network to boost their own efforts to improve the conditions of immigrant workers (many of whom hail from Mexico). Though consular staff must remain formally neutral, they can provide the political legitimacy that many unions lack in an environment increasingly hostile for organized labor. Further, especially in jurisdictions where unions are resource-strapped, a consulate can offer unions the help of an established staff as well as a physical space from which to broadcast their labor education outreach. For example, during an organizing campaign in a local grocery chain, the Mexican consulate in Chicago offered their space to UFCW to meet with workers on weekends.⁷

Building on the many long-standing, ad hoc collaborations that arose in popular Mexican immigrant destinations, labor leaders were key players in founding the annual Labor Rights Week. In fact, several union leaders we spoke with argued that their local efforts provided a template for what would later become the national weeklong model. What began as daylong, one-off workshops culminated in a regular collaboration with the San Jose consulate, explained one UFCW

leader. This and many other success stories—in Houston, Los Angeles, Chicago, and beyond—became part of the pitch for greater investment in labor rights outreach that labor leaders made to officials at the Mexican embassy in June 2009.⁸

Unions have not always been willing to work with consular staff, given the Mexican government's sordid history of union busting and still-rampant classism (González 1999). Yet several unions were key architects of the 2004 labor agreement between Mexico and the United States and have played an important role in Mexico's Instituto de los Mexicanos en el Exterior / Institute of Mexicans Abroad, which aimed to provide the Mexican diaspora with a political voice. For example, as we describe in chapter 2, Esther Lopez, a former UFCW vice president, and Eliseo Medina, a former SEIU vice president, were appointed by the institute to serve as organizational delegates advising Mexico's government on migrant affairs, and Moises Zavala, a UFCW organizer from Chicago, was elected to serve on the institute's advisory board.⁹ These leaders pushed to center worker rights in the Mexican government's platform.

Once Labor Rights Week was institutionalized, several immigrant unions such as the SEIU, UNITE-HERE!, UFCW, and United Farmworkers continued to team up with the consular network on everyday outreach. The annual Labor Rights Week was eventually rolled out to twelve pioneer cities in the first year, then to almost thirty cities in the following year, and eventually nationwide. These collaborations have been especially productive in jurisdictions where there are few other available resources for workers seeking to make claims to defend their rights (as we describe in chapter 4). For any organization interested in proactive worker education, a consular office provides a "captive audience" for labor outreach, given the throngs of individuals who must pass through its massive bureaucratic institution for identification documents or consular services. To offer an estimate calculated by UFCW, during the first five years of Labor Rights Week, union outreach trainings offered at the Mexican consulates of Los Angeles and Dallas benefited one hundred thousand workers. In Houston, it is estimated that three thousand workers were served during such Labor Rights Week trainings.¹⁰

However, the reach of labor unions themselves should not be overstated, as alt-labor groups, for whom formal unionization was not a key goal, also played a major role in connecting workers to labor agencies and other forms of restitution. Many worked closely with labor unions, while other took notably different approaches. Not bound to the same national policy battles and binational campaigns for worker justice, these worker centers were often more nimble and opportunistic in evaluating the value added by consular collaboration (as described in chapter 4).

What the Consular Network Offers Organized Labor

Partnerships between labor organizations and consulates can take many forms, but we identified at least three modes of collaboration—sometimes operating in combination—across the country.

Consuls as Influential Conveners. In the first mode, unions look to consular staff primarily as conveners who head a respected institution that wields influence in ways that labor unions cannot. That is, in addition to opening their doors to unions to conduct outreach, consuls help bring together a range of US agency counterparts to shape the annual Labor Rights Week. For unions, most of these labor agencies (the DOL's Wage and Hour Division, the DOL's Occupational Safety and Health Administration, the Equal Employment Opportunity Commission, and sister state agencies) provide limited direct protections for their represented workers, who have a collective bargaining contract to fall back on. However, these agencies *are* key actors in terms of regulating industry conditions that put nonunion workers especially at risk. In several places, the National Labor Relations Board—the agency that directly regulates unions—has been part of these convenings: in Houston, for example, where the Justice and Equality in the Workplace Partnership brought all these stakeholders together through a community hotline (though we should note that this was a unique strategy not easily replicable in other cities).¹¹

Central labor councils—the local bodies of the AFL-CIO federation that incorporate various affiliate unions—are a primary vehicle for convening labor leaders. However, consular convenings have also allowed worker advocates to explicitly focus on the issues facing Mexican immigrant workers, which has often also meant highlighting immigration challenges. Even after the historic 2006 split between the AFL-CIO and the newly formed Change to Win coalition—for which organizing immigrant workers was a central sticking point (Cornfield 2006)—the Mexican consulate's Labor Rights Week relied on collaborations with union affiliates in both factions.¹²

Finally, in big cities with large and diverse Latino immigrant populations, these union-consulate partnerships have also involved the entire Latin American consular corps. In Chicago, for example, the consulates of Brazil, Colombia, Ecuador, El Salvador, Guatemala, and Honduras, among others, are all active.¹³ By far, the Mexican government has always been considered the “elder brother” among these diplomatic bureaucracies. In 2017, shortly after the inauguration of Donald Trump, the Chicago Association of Latin American Consulates, led by the Mexican government, sponsored a massive labor and immigrant rights training at a large-capacity auditorium at the University of Illinois at Chicago. Every Latin American consulate invited its constituents from its jurisdictions (including neighboring states such as Indiana and Wisconsin) to listen to labor rights educators from UFCW and staff lawyers from local immigrant rights organizations.

Consular Offices as Captive Audience Outreach. In practice, labor unions most often play the role of on-site educator, offering information sessions to the captive audience of individuals waiting to receive services at consulates. As a Harris County AFL-CIO staff member described the immense “foot traffic” in Houston's

consulate every day: “Every time I go there, that place is packed. I mean it’s in a big enough area where there’s two hundred to three hundred people in there on any given day at any time.” The consular office also provided unions with a high-profile setting for broadcasting their outreach to the wider community, especially in Spanish-language media.¹⁴ To be sure, a core aspect of union outreach includes encouraging workers to organize. However, as one UFCW leader in Phoenix explained, this particular know-your-rights training ran the gamut from “information regarding labor rights [to] human rights [to] civil rights.” For UFCW, holistic training for workers was crucial, and their typical outreach included information about occupational health, disease prevention, and health care access.¹⁵ These union presentations served to build community trust.

Perhaps the biggest issue facing immigrant workers, though, involves federal immigration enforcement efforts. Our interviews with consular partners took place during the height of the Obama administration’s policy of carrying out “silent raids” (Griffith and Gleeson 2019). During this period, workplace audits were rampant, which caused problems for nonunion and union worksites alike. “No-match letters”—delivered when there was a mismatch between an employee’s name and the Social Security number provided by the employer—that often followed audits were a key impetus driving unions to foster a relationship with consulates. When we spoke to a representative from the Teamsters Local 743 in 2013, they highlighted the problems caused by no-match letters, which were thwarting many organizing campaigns and fueling deportations under the Obama administration.¹⁶ In Chicago, as in other cities across the United States, these letters became one of the main foci of the emerging partnership between unions, service providers, and consular staff.

Workers’ rights outreach was particularly important for UFCW 99 in Phoenix, its leaders explained, because they operated in a “right to work” state (i.e., a state where organizing efforts were hampered by state rules limiting member dues). Getting consular staff on board for this work was important symbolically. “In the last event we held, consular representatives were there to give out information to people, chatting with co-nationals about their labor rights,” one union leader explained. “I saw in that last event a much more direct participation than I had in times past.”¹⁷ Consular staff were not always directly involved in these efforts,¹⁸ but establishing the consular office as a welcoming hub for labor rights outreach was consequential, especially in settings where unions held less power.

Consulates as Regional Actors. Third, consular activities, as inherently regional, can target very large jurisdictions. The federated structure of the consular network in many ways mirrors that of labor unions. Moreover, just as unions make strategic decisions around where to concentrate their resources, the Mexican consulate can become an anchor point for much of their regional outreach. Although consular offices are often located in central cities, their vast reach (potentially across dozens

of counties and states) makes local consulates important partners in unions' regional organizing. As explained in chapter 2, UFCW had significant leverage when the Mexican embassy was selecting the cities in which to launch the pilot of Labor Rights Week, suggesting sites where they had significant local resources to mobilize for this collaboration. One national UFCW leader explained how the union's outreach around labor and immigrant worker rights was concentrated in "eight or ten cities across the country. . . . Very specifically, we go and we set up stations at the Mexican consulate. We provide information on a range of issues, health and safety for workers, information around verification employment, rights in particular that workers have."¹⁹ Like unions, who often cover vast jurisdictions themselves, local consular offices have significant discretion over where to conduct their programming. "Each consulate makes their own programming. Some venture out beyond the consulate," another UFCW leader told us.²⁰ As such, the mobile consulate provides unions a reach they wouldn't otherwise enjoy, and some consulates have partnered with churches and elementary schools in the metropolitan area of Chicago to increase visibility and foot traffic during Labor Rights Week.

To be clear, the mobile consulate program is on the whole a woefully inadequate attempt to reach isolated migrants in the far reaches of the given region, and its impact should not be overstated. Outreach is infrequent, staffing is limited, appointments (which must be scheduled through the infamous and overstretched MEXITEL system—now rebranded as Mi Consulado) run out quickly, and given time pressures, consulates must often prioritize the most pressing matters (mostly processing bureaucratic documents for citizens who cannot safely or practically travel to the central consulate repeatedly). Yet these challenges are not a unique feature of the Mexican bureaucracy. Indeed, many of the bureaucratic limitations facing consulates (and their mobile functions) also plague US federal and state labor agencies. And despite their flaws, the mobile consulates have allowed advocates to leverage bureaucracy in service of their aims.

Because of their regional jurisdictions, unions help inform consulates on where to dispatch resources outside of central cities. As one union leader explained: "We work with [consular officials] to bring the Mexican consulate to communities like Dodge City, Kansas, those kinds of things where services are a little bit more limited and far away. . . . And certainly on the immigrant rights front—to be able to provide timely information to the immigrant communities—we worked closely with the Mexican consulate."²¹ In western Kansas, the leader went on, the union had eight thousand members, yet the closest big city was Wichita (three hours away), and the closest consular office was in Denver, Colorado. Thus, in a place where "there's not a whole lot of support . . . maybe the Catholic Church and the union,"²² a collaboration between labor leaders and consular officials can be particularly fruitful. This collaboration might include, for example, events that provide health and safety or I-9 employment verification training, followed by the offering of consular services. The benefit is mutual, as unions can extend the reach

of a consular office in rural communities in particular. For example, the Dallas consulate often relied on union halls as a base when providing services in more rural areas like Lubbock and Plano.

Depending on union density and reach, consular collaborations are most useful for unions in places with scarce resources serving local immigrant communities. These partnerships are often the only opportunities isolated communities have to access not only legal assistance across many arenas but also worker training, immigration law consultations, and recently even COVID testing. In contrast, in places with an already robust infrastructure of civic organizations, union-consular partnerships offer a good opportunity to make new alliances or solidify existing ones with diverse community organizations such as elementary schools or churches serving immigrant neighborhoods.

Benefits to Labor Organization–Consulate Collaboration

All told, labor unions benefit from working with a consulate in several concrete ways. For one, they provide a means of reaching the broader, especially nonunion workforce with whom unions do not have a direct line of communication. Such collaborations allow unions to surmount certain geographical barriers and build relationships and trust with immigrant workers who may not otherwise encounter unions in their daily lives. This is true especially with more recently arrived immigrant communities, such as Oaxacan indigenous immigrants. Union leaders described needing to gain their trust, often by working with community groups such as the Frente Indígena de Organizaciones Binacionales. The end goal was for these workers to “also feel confident in coming to the unions for help when they find themselves in a bad situation at work.”²³

In advocate-dense places like the Bay Area, a consulate is only one of many community actors, each of which has cultivated its own relationships with vulnerable communities. Yet as one building trades leader explained of this region, the Mexican consulate was also an unavoidable bureaucratic reality that everyone had to contend with at some point, given its political significance and broad reach. When doing outreach, he often brought literature from the Mexican consulate to lend weight to his message: “When you hear from your . . . native government, that these are your rights in the United States, that makes it very official to say, ‘Okay, the Mexican consulate is telling me that I need to have these rights in the United States.’”²⁴ During the COVID crisis, union-consular collaborations kicked into high gear. The Mexican consulate in Chicago quickly joined forces with the Chicago and Midwest Regional Joint Board of Workers United, United Electrical, Radio and Machine Workers of America, the SEIU, UFCW, and the Occupational Safety and Health Administration to create a special digital guide for Illinois essential workers in Spanish and to disseminate information about occupational health rights and other basic protections during Labor Rights Week in 2020 (SRE and Consulado General de México en Chicago 2020).

Consulates—and specifically the consul in charge of the Departamento de Protección—can also grease the wheels of arcane regulatory bureaucracies to which unions are not always granted access. As one Bay Area UFCW leader noted, “You know, we [union leaders and consular officials] feel very comfortable being able to call one another if we are in need of some assistance.”²⁵ She admitted that her experience might be unique given the centrality of the Bay Area (home to three Mexican consulates), but regardless, the reciprocal relationship she had built with the various consulates helped make some of her advocacy work more effective. Consulates are also important in places where few civic partners exist and the political climate is markedly more hostile. For example, a Harris County AFL-CIO leader frankly described the vacuum left by underresourced and understaffed US labor agencies in the Houston area: “It’s really important that those governmental agencies figure out a way to have a much broader enforcement program. It’s absolutely essential . . . because they’re understaffed now, [and] when you’re understaffed, you’re kind of leaving it to the goodwill of employers. . . . You just can’t bet on that goodwill.”²⁶

While unions do seek to make connections with workers passing through the consulate, this is not necessarily the most important strategic goal of union-consulate partnership. As one UFCW leader in Phoenix described, “Our most important success is the relationship with the consulate. . . . It is very important for us to know that we can pick up the phone and talk with someone at the consulate and that they know someone here at the union. . . . I think that the direct relationship with the consulate and this working relationship that we have is very important because we have a place to which we can return and know that they are going to help people.”²⁷ Unions have worked hard to cultivate these positive relationships, which they have also been able to leverage at the national level.

This direct line of influence with consulates is also important because the union itself is often seen as a one-stop shop for its members, who come seeking help with a variety of issues far beyond work grievances. For example, in California, Assembly Bill 6 made driver’s licenses available to undocumented individuals, though it required them to present official identifying documents to obtain them. If these documents were lost or had expired, undocumented applicants had to rely on the Mexican government to reissue them. Having a consular official come to their unions’ AB6 workshops was therefore a crucial benefit, one SEIU leader explained,²⁸ allowing their members to resolve documentation problems along with other issues.

While both unions and consulates seek to develop ties with the community, both often struggle to surmount perceptions that they are complex, hierarchical organizations that cannot necessarily be trusted. Yet this liability can also be a benefit, as precisely this shared, top-down organizational nature facilitates their collaborative work and allows all actors to rally around a common goal. (By contrast, grassroots organizations typically lack such rigid leadership structures and

in some cases lack even the physical space to legitimize their presence.) For example—and without discounting the efforts of local community leaders—the binational accord between the US DOL and Mexico's SRE set the tone for the work of consulates on the ground. This centrally managed but locally implemented organizational front created a sense of continuity that worked in unions' favor, as one South Bay building trades leader was amazed to find over the years: "To my surprise, every single one of them has been very supportive."²⁹

Finally, much of the labor union organizing in immigrant-dense cities such as Chicago is decidedly transnational (Galvez, Godoy, and Meneima 2019; de Graauw, Gleeson, and Bada 2019). Working with the consulate not only unlocks much-needed resources but opens up another avenue for holding the Mexican government accountable. These labor advocacy efforts have extended far beyond organizing passive educational outreach one week out of the year; rather, unions like the UFCW consistently work with *and against* the Mexican government on both sides of the border and across North America. Even benign outreach programming has often been leveraged to demand or offer accountability, as in 2014 when the Chicago Regional Council of Carpenters called on the Mexican consulate to facilitate a joint professional training program with a group of carpenters from a Mexico-based sister union that had also been pressuring Mexico for reform. The consul obliged, and the cross-border training program thus became a demonstration—even if largely symbolic—of the Mexican government's commitment to advancing labor rights in Mexico.³⁰

In sum, union-consulate collaborations ideally allow labor leaders unfettered, yearlong access to large groups of captive, Spanish-speaking immigrant workers who can benefit from informational workshops while they wait for consular documents. These collaborations give unions a strategic partner and an ally to support organizing campaigns and provide direct services frequently needed by many union members. Making alliances with consulates has also allowed unions to deliver more holistic services to marginalized immigrant constituents, while simultaneously leveraging transnational union networks to push the Mexican government to be accountable for the labor rights of its workers back home.

Challenges to Labor Organization–Consulate Collaboration

All told, unions described many benefits to working with local consulates. Yet many were also quite candid about the challenges they encountered while cultivating these relationships. For one, like all collaborations, they required a continual investment of time and energy, resources that were not always readily available. For example, a national leader for the UFCW recalled how difficult it was to make "the Mexican consulate recognize the need for labor rights education and access to labor rights information." Speaking candidly, she admitted that "sometimes those relationships get kind of dicey" and could come with "some hesitation and some tension and some nervousness." Over time, these tensions were eased,

and subsequently there was a “real growth in understanding and a real appreciation of the need to provide labor rights education to Mexican immigrants.”³¹

These relationships also had to be cultivated and maintained, according to one labor leader with the Roofers Union in San Jose who had a long-standing relationship with the Mexican consulate there and had seen many consuls come and go. Each official had to be dealt with differently: “Some consuls are very approachable, some other ones are not.” Referring especially to the class (and often political) differences between consular staff and union leaders and members, he admitted that not all of his members had had great experiences at the consulate office. The quality of the relationships depended largely on the particular interests of the assigned diplomat and on labor leaders’ ability to facilitate them. Sometimes leaders simply didn’t have time: “They [consular officials] do a good outreach. . . . [But] I don’t have time to go around to all the meetings they have and all the community events they have. I just don’t have time for that.”³² In this case, limited resources led to a less than optimal collaborative environment.

Another San Francisco Bay Area UFCW leader similarly confirmed the need to quickly “develop a relationship with the consulate” so that their concerns would not take a backseat to the consulates’ many other campaigns and initiatives that “have nothing to do with the issue of labor.” Indeed, labor unions had to not only maintain communication with consular officials but also convince them to integrate labor issues into the other services they offered, such as women’s rights and children’s needs. The onus, he explained, then fell on unions to bring labor rights into focus while stressing that the worker was also a “father, mother, son, daughter”—that is, the union had to make a broader case for labor rights as affecting every aspect of immigrant lives: “We need more understanding about what the labor movement [is],” the UFCW leader explained.³³

This relationship building involved training the consular staff to be effective advocates. While many leaders noted that working with a Mexican consulate (as opposed to US labor agencies, for example) offered more opportunities for establishing cultural ties and trust with the community, not everyone was convinced that this made consulates uniformly better advocates for workers. One SEIU leader in San Jose explained her ambivalence over consular collaboration: “I don’t think it differs much. It has its bureaucracy and [red] tape that it has to go through. It maybe has more credibility with people. And it’s seen as . . . an extension of the government or the country, which could go either way in terms of trust. Yeah, so I think that could be good sometimes and sometimes not.”³⁴ A Teamsters leader in Chicago similarly noted that the majority of consuls were “very bureaucratic,” a quality that explained the “terrible impression that people had of the Mexican consulate,” despite their utility to the community.³⁵ Unions reported struggling to convince consulates that they needed to take actions to reverse this reputation.

Indeed, not only immigrant communities but also many labor leaders themselves were skeptical of consulates. For example, a leader with SEIU 1877 in San Jose

reflected on the irony of working alongside other labor colleagues with local consulates when they had just a short time prior worked in solidarity with the Union of Mexican Electrical Workers in their strike in Mexico City, even organizing a demonstration at the consular office: "They [the consulate] got a lot of bad press. We had organized a march at the consulate, things like that, just last year. And so, when I heard that they were doing Labor Week, I was really shocked. . . . It felt like a PR thing to me."³⁶ While many union leaders were similarly leery of big-government bureaucrats, some, like this SEIU 1877 leader, had a more optimistic view of future consular interactions: "The government of Mexico right now, the way it's so conservative and business oriented, and has been for what, eighty years, one hundred years, you would [expect to] see that in the way they treated people. I think now that they're becoming more service oriented and more focused on rights, whether they be legal or *laboral* or what have you, I think it's a good thing. And it's very shocking, in a good way."³⁷ But this shift, the leader conceded, would take time.

For many labor leaders, working with a consulate was largely symbolic and confined to Labor Rights Week in September. As a Teamsters leader in Chicago explained, "Unfortunately, we can't really say that the impact on the people has been worth much because a lot of times people go as if it were a book fair, rather [than] a labor fair. They come but they don't stay." Moreover, making the community view a consulate office as a place where they could "go and learn about your worker rights . . . about the community services available to you" was an inherently difficult task given how consulates are structured.³⁸ With the exception of the Chicago office, Mexican consulates do not have a specific division dedicated to worker issues, and thus most consular outreach remains limited and dependent on the specific priorities of the General Consulate and the Consulate of Protection (legal protection section), which often have little to do with labor issues. During Labor Rights Week, labor leaders often pleaded with consular officials to publicly leverage their influence: "I'd like them to spread the word using their media connections. Because they do speak out on the radio. . . . Everybody's listening to the radio at work."³⁹ Yet these media campaigns typically waned soon after Labor Rights Week ended, rarely persisting year-round.

Finally, in addition to pushing for year-round programming, many labor leaders stressed that promoting worker rights was not the same as advocating for workers' rights to organize. A UFCW leader surmised that this disconnect ultimately had to do with the politicization of worker rights in the United States and the US government's initial fear that Mexico would "promote unionization." Over time, these anxieties pushed unions out of the central planning of Labor Rights Week, he explained. "The consulate will not talk openly about the issue of unionization," opting instead to focus on ensuring wage payments, even if they are poverty wages with no benefits. Ultimately, then, consulates could never be advocates for labor reform, he admitted. "Because of their diplomatic nature, the consulate won't do it. They can't do it."⁴⁰

In sum, the Mexican consular network can be a valuable though imperfect partner for pursuing the core agenda of labor unions. Difficulty arises from the sovereignty constraints of the diplomatic corps and the directives binding staff to be neutral actors in advocating for the labor rights of Mexican immigrants under US labor laws. Moreover, Mexican consulates have a long history of engaging in discriminatory practices and have not always acted in the best interest of immigrant workers in need of protection (González 1999; Goodman 2020). This has eroded community trust and hampered collaboration. Labor union leaders are well aware that consuls must navigate the complex bureaucratic layers in the Mexican government before advocating on behalf of their emigrants in any meaningful way. Furthermore, consulates typically have no department dedicated exclusively to worker advocacy. The protection of labor rights is assigned to the legal protection section, a department in charge of multiple issues including family law, criminal defense, and corpse repatriation.

Ultimately, consulates have limited resources to provide legal services to workers with labor grievances because a significant part of their budget for legal services is devoted to other obligations such as advocating for incarcerated citizens or supporting family repatriations. Consequently, union leaders have to compete for consuls' attention and convince them to increase awareness about the importance of workers' rights.

INCREASING ACCESS TO JUSTICE FOR IMMIGRANT WORKERS

In addition to labor education and outreach, consular involvement in co-enforcement involves broadening access to legal services. Access to a legal advocate is a critical aspect for individual claims making, the engine of labor regulation in the United States. Legal services providers in this arena include private attorneys, many of whom also work with nonprofits. They may work on a contingency or volunteer basis, and on rare occasions may formally contract with a consulate, as described in chapter 2. Below we outline this aspect of consular collaboration and how legal advocates worked with consuls to advance worker claims.

The Critical Role of Legal Services for Worker Rights

Beyond general outreach and education, Labor Rights Week aims to help aggrieved migrant workers file claims. Key partners in this regard are public interest law organizations, who provide critical services while facing a number of resource constraints. An attorney at the Community Justice Project in Reading, Pennsylvania, for example, explained how funding limitations meant that their caseload was limited to those involving “survivors of domestic violence, victims of crime, and . . . people who are eligible for renewing Deferred Action for Childhood Arrivals.”⁴¹ They simply did not have the resources to handle labor and employment cases as well.

Funding in large part determines the type of clients that legal service providers can serve. According to a survey of a random sample of public interest law organizations, about a quarter of these organizations rely on federal funding from the Legal Services Corporation (Albiston, Li, and Nielsen 2017), which precludes grantees from serving undocumented immigrants (Legal Services Corporation 2020). Consequently this population is in dire need of services, even in regions with long-standing Mexican and undocumented communities. For example, outside of Sacramento, California, in Solano County, “there are no legal service organizations that support undocumented workers. . . . There never have been,” explained the lead attorney for the newly created Center for Workers’ Rights. While in fact several regional groups serve undocumented workers, this perception nonetheless reflects a very real service gap. Furthermore, many of the area agencies that do serve undocumented clients do not wade into labor standards enforcement territory, “even for legal permanent residents and others who are able to legally work in the United States.”⁴² Some legal aid organizations will create sister organizations with separate funding streams that can serve undocumented clients, but these often have far less capacity.⁴³ This inequity is especially pronounced in places with a thin civil society presence and with state and local governments that do not support labor standards enforcement efforts (Fine and Bartley 2019).

Legal service providers are also often constrained by their specific organizational mission, as not all of them have the same mandate when it comes to worker rights. For instance, some of these legal groups, such as the Southern Poverty Law Center in Atlanta, focus on impact litigation around “wage and hour abuses . . . harassment, discrimination, racial profiling . . . and anti-immigrant laws,” rather than on processing individual claims throughout the Southeast.⁴⁴ In some of these cases, the Mexican government has issued formal rebukes of US policy or has even collaborated on legal challenges as a friend of the court, as in the October 2019 amicus curiae brief filed by the Mexican government to the US Supreme Court of the United States in a case regarding the rescission of the Deferred Action for Childhood Arrivals (DACA). This brief stressed how terminating the program would return its beneficiaries to a state of vulnerability (SRE 2011b; SCOTUS 2012; Associated Press 2019).

Regional differences and funding priorities each shape the services available to workers. In the Southeast region, for example, the Southern Poverty Law Center’s Esperanza Project focuses especially on workplace sexual abuse and harassment targeting immigrant women in fieldwork (SPLC 2006). The office of the Equal Justice Center in Dallas concentrates primarily on “litigation in state and federal court on behalf of low wage employees.” It has “a special interest in representing immigrant workers,” who largely hail from Mexico and Central and South America. And the “migrant offices” of the California Rural Legal Assistance network have an even more focused aim: they can only help agricultural workers such as “farm workers, dairy workers, packing house workers.”⁴⁵ Moreover, driven by support from the Department of State (US Department of State 2021) and philanthropic

interest (NEO Philanthropy 2017), legal service provision has increasingly focused on “human trafficking” (one of the few exceptions to serving undocumented clients).⁴⁶ These complex cases involving U or T visas require labor and employment attorneys to work in conjunction with immigration lawyers, who must then cooperate with law enforcement to establish a basis for the case.⁴⁷

We found that legal service providers seldom focused solely on workplace issues; they could, however, use their resources and programs dedicated to other issues to perform some worker outreach as well. Catholic Migration Services in Queens, for instance, was contracted to run the labor hotline for the Mexican consulate in New York City. As one of its employee noted: “We have a very strong immigration and housing program . . . so people sometimes come for . . . consultations. Then they find out about the workers’ rights programs and later they might come back and just walk into the office and ask to talk to a lawyer. We’re pretty flexible about that.” Many of the worker cases they received came in through this *línea laboral* (labor hotline), as well as via referrals from other legal clinics. An estimated one-third of these calls were from Mexican immigrants, with the rest of the callers being immigrants from the long list of countries of origin of New York City’s diverse Latino population.⁴⁸

Legal services are often provided by complex organizations engaged in a wide array of organizing and advocacy projects, such as the Services Immigrant Rights and Education Network (SIREN) in San Jose, California. Arguably the most prominent immigrant rights advocacy organization in Silicon Valley, SIREN provides immigration legal assistance, including in some trafficking cases.⁴⁹ Other organizations such as the Wage Justice Center in Los Angeles—known for its Day Labor Hotline—are specialized legal service providers focusing on wage theft.⁵⁰ The collaboration networks among these organizations are diverse, varying significantly from place to place. For example, in cities with law schools, law students supply a crucial volunteer base for legal aid clinics. In other places where there are few law schools and attorneys are hard to attract, paralegal staff are the primary service providers.

The range of services that public interest law organizations offer vary. Many legal advocates lead “Know Your Rights” workshops or health and safety trainings. Some legal service providers primarily provide representation for clients filing a formal claim. In California, relevant agencies may include, for example, the Labor Commission or the Department of Fair Employment and Housing,⁵¹ or their federal counterparts in places with no state regulatory apparatus. Legal service providers may even provide technical advice or translation assistance in small-claims court (a popular, though some argue fraught, site for demanding small-scale restitution) (Thomas 2020).⁵² Some groups work with other larger volunteer firms for more specialized cases, such as those involving workers’ compensation, to provide direct representation to injured workers.⁵³ Still others are engaged in policy advocacy and capacity building with community organizations, including the local consulate.⁵⁴

Clients who work with nonprofit legal service providers often have to meet low-income guidelines. These groups are especially important for immigrant workers, who tend to lack the language and bureaucratic know-how to navigate the labyrinth of regulatory agencies (Gleeson 2016). They are typically the only option for undocumented workers in particular. According to the Farmworker and Landscaper Advocacy Project in Chicago, “Of the cases that we get following Labor Rights Week, I can tell you that about 95 percent are from people who are neither US residents nor citizens.”⁵⁵

While most organizations affirmed that they did not formally collect data on their clients’ immigration status, many anecdotally reported that undocumented immigrants made up a large proportion (in some cases nearly all) of their client base. Yet even in immigrant-friendly jurisdictions it was not always easy for these organizations to reach out to the undocumented, which was why events like the *Semana de Derechos Laborales* were so important. A staff member from the Legal Aid Society’s Employment Law Center (one of the largest networks of legal advocates in California, now known as Legal Aid at Work) explained the necessity, and challenges, of helping undocumented workers claim their rights:

In California, your status . . . actually has little relevance as to your rights except when it comes to the area of unemployment. You can’t get unemployment benefits if you’re undocumented, but everything else you’re entitled [to]. You’re entitled to workers’ comp. You’re entitled to be paid the minimum wage. You’re entitled to overtime. You’re entitled to time-and-a-half or . . . lunch and meal breaks and health, everything. . . . Low-wage workers who are undocumented have that extra fear factor of “Oh my God, if I complain they’re gonna call ICE on me, and then I’m gonna be deported and my whole family’s gonna be in trouble.”⁵⁶

Another paralegal explained that beyond this pervasive fear, many of the undocumented clients her center saw doubted whether they were actually entitled to compensation: “Because of their legal status, they feel they don’t have any rights, first of all. . . . They’re threatened [by employers] that because of their legal status they don’t deserve these rights. . . . They basically live under feeling threatened [sic] that . . . their wages are not gonna be given to them, or that they’ll be reported to the immigration office or to the feds.” These challenges, she added, were further compounded by language barriers, educational limitations, lack of access to technology, and the inability to get time off work to pursue a claim.⁵⁷ Each of these outreach considerations shapes how legal service providers consider the costs and benefits of collaborating with a consulate.

What a Consulate Offers Labor and Employment Lawyers

The relationship between an area consulate and legal service providers varies widely. Much like labor unions, legal advocates are often called upon to facilitate “Know Your Rights” trainings for consular audiences during Labor Rights Week and beyond. They may also host a table inside the consular offices where they distribute informational flyers and brochures. On some occasions, a consulate may

even physically host an organization's legal aid clinic. While some pioneer consulates regularly contract with lawyers who provide on-site consultations (for example, in Chicago) or sometimes even long-term representation, the vast majority of consulates rely on outside referrals. A group like the Farmworker and Landscaper Advocacy Project in Chicago, which focuses on a particular subset of workers, is able to tap into a consulate's lawyer network to refer out cases it receives. As one of its advocates explained, "For example, a construction or restaurant worker—we can't take those cases directly, but we can refer out to one of these [other] organizations or lawyers who can help."⁵⁸ In exchange, such organizations help expand the consulate's reach as well.

Consulates have a limited budget with which to retain a small group of lawyers to support the most vulnerable cases that come before the desk of the *Consul de Protección* (the consul heading the Legal Protection Section). Staff here keep a directory of reputable lawyers that community members can use to obtain a referral to a specialized practitioner with a solid track record. However, there is not much transparency around how a local lawyer gets added to this directory or is chosen to serve as a consulate lawyer. Sometimes, the SRE hires a specific law firm to produce a report on how to improve the delivery of legal services, but there is no formal bidding process. Rather, the perception among many is that personal networks determine which lawyers eventually secure contracts, which has sown significant distrust among community groups critical of consular dealings.

As part of its legal representation function, the consulate works with legal advocates in the community. The SRE sponsors the national 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, an initiative that has been deployed to the fifty-two consulates throughout the United States to provide basic legal services in multiple legal arenas including administrative, human rights, criminal, civil, labor, and immigration law. This program is complemented by JURIMEX, a hotline organized in collaboration with several groups of US lawyers that offers free and confidential legal advice in Spanish on issues related to certain areas of US law across several consulates in Florida and California. This hotline is staffed twenty-four hours, seven days a week, and typically handles cases involving car and work-related accidents. Within this structure of legal advocacy, only a small portion of the cases received concern worker rights.

The Equal Justice Center of Dallas, an organization selected to receive funding from the local consulate for legal services, described the extent of consular support: "Yes, it's not a lot of funding. At the moment, it's pretty limited. As I understand it, when they get approval from Mexico City to add a legal organization to the group that they utilize, they . . . want to sort of wade into it and sort of get a little bit of experience with that organization first and see what they're able to help with. . . . I don't know if that's a funding source that . . . can be expanded."⁵⁹

In sum, consular resources for legal services are typically very limited, and Mexico doesn't usually increase them except during crises. For example, when the threat of massive deportations to Mexico became apparent shortly after President Trump's inauguration, Mexico's then-president Enrique Peña Nieto announced the creation of a \$50 million defense fund to be distributed across the consular network to pay for lawyers and to post bail for undocumented workers. Upon closer inspection, however, this initiative was met with significant cynicism from longtime immigration advocates. A quick back-of-the-envelope calculation about how many immigrants were at risk—and how many lawyers would be required to work all the cases—revealed that \$50 million across the fifty-two office consular network was in fact a paltry sum.

Beyond this in-house assistance funded by the Mexican government, each consul of legal affairs maintains the previously discussed list of attorneys for referrals. In some jurisdictions, legal service providers have negotiated discounted rates for consular referrals.⁶⁰ Furthermore, there are instances in which the consulate invests in hotlines, like the *Linea Laboral* run in New York City by Catholic Migration Services, to buttress legal support. This program receives a modest \$10,000 a year that can go only toward the salary of a Mexican national and the maintenance of the phone line and outreach materials.⁶¹ But we found that this was a unique paid collaboration that did not exist uniformly across the consular network.

The direct relationship between a consulate and legal advocates goes both ways: that is, consulates refer clients to legal advocacy groups, and these groups supply information and provide other resources to consulates. A worker at the Women's Employment Rights Clinic, a small university-based organization in San Francisco, recalled: "Periodically I'll get an email . . . from someone within the San Francisco [consulate] office asking if I can talk to someone. . . . If I have a question . . . I know I can call them for the same." Similarly, Catholic Migration Services in New York City described how their organization provided information to consular officials across a range of issues: "I think it's really been good for the staff at the Mexican consulate. When they have a problem that they can't handle in house that they need to be able to speak to an attorney [about], they're able to put that person in contact with us."⁶²

In jurisdictions where the Labor Rights Week has expanded to a year-round partnership, the communication between legal service providers and consular officials is more formalized. In New York City, Catholic Migration Services sent the local consulate regular reports: "We keep them notified about our litigation when we're representing workers in federal court . . . mostly just to let them know that we appreciate the support that we've gotten and that we want to keep them in the loop. And we want them to know that we're working very diligently on these issues."⁶³ In Houston, the Justice and Equality in the Workplace Partnership allowed the local consulate to cross-file claims across the disparate claims bureaucracies that seldom

communicated otherwise (Gleeson 2012). In all these cases, more communication increases the odds of better outcomes.

Some consular relationships with legal service providers are more formal than others. Yet formalizing these relationships requires negotiation, a well-resourced legal services community, and the political will of the local consul. Only certain areas meet these conditions. For example, in Philadelphia, one provider explained, “There are some other organizations that have more formalized agreements where they have a contract to accept a certain amount of referrals from the Mexican consulate. . . . We have gotten referrals from them over the years, more or less regularly, and then when there was some staff turnover . . . the referrals went down. So we recently met with them again to figure out how to work more closely together again, and we are now sending a paralegal there once a month to do presentations and have gotten a few recent referrals.”⁶⁴ As this provider’s account indicates, establishing and maintaining these relationships can be a dynamic, time-consuming process.

Ultimately, consulates play varied roles in dealing with legal service providers. For some, the local consulate is part of a “co-counseling relationship” that “bring[s] resources that the client might need.”⁶⁵ A lawyer with the California Rural Legal Assistance in San Francisco described the consulates as a kind of “microphone amplifying the voices [of providers]” that offered “outreach and [lets] everybody know about the resources that are available.” In other cases, legal service providers viewed the consulate as a competitor for cases or as just another bureaucratic barrier.

Benefits of Legal Service Provider–Consulate Collaboration

All told, there are many benefits of collaborating with a consulate. Principal among them is gaining access to staff who can help translate for their Spanish-speaking clientele, an absolute requirement in legal proceedings (and a resource that is frequently in short supply, even in heavily Latino regions). Whereas labor unions and other community organizations almost always have Spanish-speaking organizers, the staff attorneys at legal aid organizations or government agencies are very frequently not bilingual.⁶⁶ This was the case in California’s Central Valley, for example. One legal service provider staff member in that region—a bustling farmworker community—said that because an estimated 90 percent of her clients were monolingual Spanish speakers, the local consulate was a vital resource: “So that’s why the partnership with [the consulate] . . . is so important, because . . . for every clinic, they send out two to three translators. . . . They’re not lawyers—or some of them are actually lawyers in Mexico—but it’s irrelevant for [these cases]. They go in, and they sit with an attorney who doesn’t speak Spanish, and they translate for them.”⁶⁷ Moreover, when holding workers’ rights clinics in this region, consular staff provided additional help with intake: “They really help to speed everything

up because people aren't waiting because there's no one to translate."⁶⁸ In this context, consular staff became, in essence, a force multiplier.

Furthermore, especially in places without an extensive support structure for vulnerable workers, a consulate can help legal aid organizations to disseminate workers' rights information. In Raleigh, North Carolina, for example, the local legal aid organization credited the consulate with helping them gain access to guest workers fearful of being blacklisted for coming forward: "They [the consulate] lent us a little bit of their credibility, because . . . they don't want to be blacklisted and not be able to come back. . . . We've really cut down on that in North Carolina because we were able to get enough clients to complain about it, and we actually got a copy of the blacklist."⁶⁹ This collaboration was particularly striking given the consular network's discouragement of union membership in California's early agricultural unions in the 1930s (García y Griego 1988; González 1999) and its recent history of facilitating the deportation of its citizens in North America (Vosko 2016, 2018; Goodman 2020). (Some would argue that even today consulates abet such practices through benign neglect veiled as diplomatic neutrality.)

Lingering mistrust notwithstanding, the credibility that consulates provide is especially important for new providers looking to build their base in a community. As the founder of the Center for Workers' Rights in Sacramento noted about consulates:

The sheer volume of contacts that they get from workers reaching out for assistance is more substantial than any individual organization. So they are able to kind of direct individuals to our services . . . since the workers are already contacting them. It also is a comfortable place for the workers to contact, because they feel like we dealt with the consulate already and are familiar with who they are and what they do. So since we're a new organization, we want them to know that we have kind of the stamp of approval of an organization they already have worked with before.⁷⁰

Even in arguably the most progressive jurisdiction in the country, San Francisco, the consulate played an important role in reaching out to the still-vulnerable undocumented community. This made sense given the consulate's centrality to the daily life of Mexican immigrants, who had to navigate its bureaucracy in order to access key services and documents. Because of these necessary and repeated interactions, however, some immigrants had accumulated deep resentments toward this mega-bureaucracy, which had a reputation for being classist and racist. In this sense, the *Semana de Derechos Laborales* (with its related media blitz and outreach push) served to break down perceptions of the consular network as rigid and to revamp its community reputation. According to one San Francisco advocate, "I think that this Labor Rights Week—the media attention and coverage and outreach that they've done—has built a sense in the community that they can go there for other things. And those things may not be directly something that they can help them with, but . . . they have developed ties and collaboration with

community groups to ensure that when something comes their way, they know where to send people and they will try to help. I think that's significant."⁷¹

Widespread exposure to the consulate also means that some migrants are comfortable and familiar with the institution in a way that they are not with other US-based organizations. "There are always complaints," one service provider in Chicago explained. "But you also find people who speak well of the consulate, [saying] that it has supported and helped them . . . that they had a case and it helped them find free legal assistance. Or, for example, say a family member died and the consulate helped then send the body back to Mexico."⁷² In the most extreme cases, community members relied on the consulate "to try to find their loved ones or family members when they can't find them, when they are either crossing or have been detained."⁷³

As we will see in chapter 4, many grassroots and worker centers can vouch for a consulate's efficacy in solving emergencies for precarious workers. We should remember, though, the clientelist nature of the Mexican government in relation to its offering of bureaucratic services. Only those who have leverage (*palanca*) or the support of certain advocates tend to benefit from this efficient help. For the masses who show up every day at consular doorsteps facing an emergency without an advocate referral, services may not be delivered as swiftly as needed.

On the whole, legal providers reported varied experiences working with consulates. Some, like the following provider in San Francisco, were very pleased: "They're a lot like all the other partners . . . They're just like, 'Roll up your sleeves. What do we need to do to get to work here?' . . . I love that about them. . . . It works perfectly because they're ready to do whatever it takes, just like all of our other collaborating organizations that host our clinics."⁷⁴ Legal advocates also understood that—like them—the consulate was bound by bureaucratic procedure. As one Washington, DC, lawyer explained, the local consulate's formal role was not to help work out "a labor dispute between a private employer and an employee."⁷⁵ Many providers thus had limited expectations of the consulate when it came to aiding with legal advocacy.

Consulates can be especially useful to legal service providers in gathering the required documents for the claims process. Especially during the era of REAL ID, which prohibited migrants from accessing government-issued IDs, migrants needed Mexican identity documents if they were to seek restitution in their workers' rights cases.⁷⁶ Most commonly, workers visited a consulate to procure their Mexican passports and the *matrícula consular*. These documents were also important for obtaining local forms of identification (like municipal IDs) that had emerged in proimmigrant jurisdictions like San Francisco and Chicago. They were especially critical for negotiating encounters with local law enforcement and for gaining entry into, for example, a labor standards government agency building or for collecting restitution. From 2003 to 2019, the Mexican government issued an average of 910,000 *matrículas* throughout the world, with a notable pandemic-era

dip to only 502,635 in 2020. At its height, over 1,100,000 such documents were issued in 2015 (SRE 2021e), coinciding with the massive push to prepare for the landmark Deferred Action for Parents of Americans and Lawful Permanent Residents (NILC 2015),⁷⁷ which placed enormous pressure on consular documentation services as hopeful immigrants rushed to get the required paperwork in order.⁷⁸

Certain categories of immigrants also relied on the consulate to obtain the necessary documents for seeking immigration relief. These consular documents were essential for basic survival, as they were needed to obtain housing, turn on utilities, or access immigration resources. For example, DACA applicants seeking a work permit often had to visit the consulate to obtain a birth certificate, as did parents returning to Mexico with a child who needed similar identity documents to “reintegrate” into Mexican institutions.⁷⁹ These consular services were especially important for adults. As a lawyer with the Community Justice Project in Reading, Pennsylvania, explained, “Usually, children in Reading will have a school ID, so they’ll have some sort of photo ID, but [for] adults it’s often a huge problem.”⁸⁰

As with unions and worker centers, many regional and statewide legal aid organizations are able to piggyback on the outreach infrastructure of mobile consulates. Legal service providers in particular are typically concentrated in dense urban centers like New York City, with limited reach to underserved immigrant regions like upstate New York and Long Island where there is tremendous need. These imbalances are compounded by the lack of significant and dedicated funding, which hampers the outreach capacity for rural communities in particular.⁸¹ Such outreach also requires building a knowledge base about the resources in those communities, which are often very different from those of the city where a consulate is based.⁸² Rural (and sometimes suburban) workers are doubly vulnerable given their geographic location (de Graauw and Gleeson 2020) and their concentration in high-violation informal jobs like domestic work and construction.⁸³ Not only are organizations few and far between in these more remote places, but the organizations that do exist tend to be younger and have fewer resources. Consulates often serve as incubators and anchors for these newer organizations. For example, the Employment Law Center, based in the San Francisco Bay Area, established itself in Fresno, California, as well with the support of the Mexican consulate (Legal Aid at Work 2012).

A consulate can also extend legal service providers’ reach across borders. Under US law, workers are often still eligible to receive restitution even if they have returned (or been deported) to their country of origin. This is typically the case with guest workers who travel seasonally,⁸⁴ but it is also true for immigrants who for whatever reason are no longer able to stay in the United States (because of deportation or voluntary return, for example). In these cases, government agencies and legal service providers often struggle to reach workers who have either initiated or won a claim, a reality that employers often bank on in order to avoid having to pay restitution. A consulate can assist in bridging that gap by helping

to locate workers across Mexican states and facilitate payment. For example, the Equal Rights Advocates, a women's rights legal aid organization in San Francisco famous for its impact litigation, worked with the local consulate in a class action suit against supermarket labor brokers to secure restitution for workers who had returned to Mexico: "The Mexican consulate was very involved. . . . They were very helpful to us when we were doing outreach in Mexico, trying to find workers."⁸⁵

In the best-case scenario, a consulate acts as a convener for legal service providers (as they also do for labor unions). As one service provider in Chicago explained, "The consulate has also facilitated communication and made it possible for us to have a seat at the table. . . . There [are] often many differences [among organizations]." From her perspective, the local consulate had, through Labor Rights Week, succeeded in bringing advocates together toward a common goal.⁸⁶ Similarly, the New York City consulate, one of the largest and best staffed in the country, has successfully convened and worked with the broader Latin American consular corps, further expanding collaborative possibilities.⁸⁷ The sustainability of this model throughout the entire year—and not just during Labor Rights Week—remains limited.

In sum, legal service providers play an important role as brokers for victims of labor law violations seeking restitution, helping workers navigate the complex bureaucratic layers of labor regulation and co-enforcement. Collaborating with consulates provides valuable information to legal aid providers in their efforts to locate returned immigrant workers who are owed restitution in labor violation cases. For legal aid providers with enough resources to serve clients, the Mexican consulates also offer an excellent opportunity to educate the public about the services and solutions they can offer to workers with grievances. Furthermore, consulates can filter out disreputable providers and support (through collaboration) honest brokers. This has the potential to reduce the incidence of fraud related to *notarios públicos*, predatory offices common in communities with limited access to legal aid organizations. These collaborations are highly synergistic and mutually beneficial, as consulates have the opportunity to establish formal contracts with legal aid organizations, expand the range of services offered to constituents, and transform consulates into one-stop shops for immigrant workers in need of consular documents and legal services.

Challenges to Legal Service Provider–Consulate Collaboration

Despite these myriad benefits, one of the biggest challenges for legal service providers is finding the staff, time, and financial resources to collaborate with a consulate. As the head of one of the largest legal aid groups in Chicago explained, "I think the challenge is that there is no funding for it. . . . The Mexican consulate doesn't provide any funding as far as printing out brochures or . . . helping organizations that might not have the capacity to travel . . . [or] reimburs[ing] them for mileage and things like that. It's one of those entirely volunteer operations,

and that limits a little bit some of the groups that can participate.”⁸⁸ This statement confirms the budgetary analysis we present in chapter 2: while an elite subset of organizations do receive modest support for outreach and referrals at a handful of consular offices, this help is insufficient given community need.

The consular ethos of neutrality has proved challenging time and again, even for legal service providers who are themselves constrained by legal mandates. Under the rubric of legal protection (a preordained activity for consulates), consular staff are usually comfortable only in pushing to implement *existing* law. In some cases, though, consuls act more boldly and are willing to act outside norms of neutrality. For example, in the Washington, DC, metro area, the consulate worked with the Legal Aid Justice Center to limit state and local collaboration with immigration enforcement. As one advocate noted: “The Mexican consulate here in Virginia actually got in a bit of a political dispute with some state and local legislatures who felt that it was entirely inappropriate for the Mexican consul to be sharing opinions on what they considered to be state and local issues.”⁸⁹ Typically, as a staff member at the Legal Assistance Foundation in Chicago described, the overarching problem with consulates was that their actions were not institutionalized and were instead dependent on “what the individual who is leading the consulate wants to focus their energy [on].”⁹⁰

This variability was compounded by the inconsistency of some consular practices. According to one advocate, consular staff would often refuse her clients a passport, only to relent when she intervened. This combination of rigidity (e.g., formalized protocols) and inconsistency (e.g., the personal preferences of the consul) could make it difficult to develop a close working relationship with communities, especially vulnerable ones that required flexibility, noted a Raleigh provider: “The consulate is quite formal and bureaucratic, so it’s harder to schedule things . . . because we work with farmworkers. . . . [It is] a problem to go out in a suit to solve a farmworker problem, for example,” adding that “because . . . they are who they are—it’s harder for [the consulate] to be accessible [than] for other organizations.”⁹¹

The inability to pivot in order to meet community needs is unsurprising for a centralized bureaucracy unaccustomed to community work. Therefore, partnerships with community organizations can be uneven and often disappointing. Describing an inability to reach consular staff, repeated attempts to schedule mobile consulate outreach to outlying farm labor camps, and a generally uninterested consular leadership, the Raleigh service provider explained: “They [the consulate] keep reminding us to do something in their waiting room, and that’s just not where the farmworkers are. . . . These farmworkers are severely disadvantaged, they would like transportation, they’re out in the sticks, they are the most disadvantaged, or among the most disadvantaged, of the Mexican immigrants who are here. But you’re not going to see any of them if you just sit in the consulate.”

This disconnect was compounded by the perennial problem of turnover, explained one San Francisco provider, who expressed frustration after long efforts

to build a relationship with consular staff: “Once you lose contact with that person because they have changes in their staffing, it’s really hard to establish that [connection again].”⁹² Doing so took tremendous time on the part of local organizations, who “have to keep in touch to make sure that . . . [we] have someone from the inside able to answer questions who knows you and who knows of your work and who wants to help.”⁹³

In sum, legal service providers frequently voiced frustration over the excessive bureaucratic hurdles their clients faced when visiting a consulate to obtain documentation. While some very dedicated consuls were willing to risk diplomatic skirmishes with local US authorities, local aid providers frequently cited a disconnect between office bureaucrats who seemed apathetic about meeting their constituents in the community. This disconnect was particularly consequential in newer immigrant communities, where a civic advocacy infrastructure was lacking and there were fewer alternatives for migrant workers seeking help.

ASSESSING TRIPARTITE CO-ENFORCEMENT AND CONSULAR ENGAGEMENT: VALUE ADDED, PERSISTENT COSTS

Seen through the lens of these bureaucratic and technical collaborations, the consulate is a crucial partner in many areas. By leveraging its institutional resources to reach immigrants where nonprofits are typically more scarce, or by facilitating technocratic requirements (e.g., procuring documents), tripartite co-enforcement can be an important corrective to the standard claims-driven approach to holding employers accountable. Free from the surveillance requirements that often complicate federal agencies’ access to vulnerable immigrant communities, the consular network can leverage homeland allegiance to allay the fears of some reluctant workers. Though community-based organizations often have tremendous access to such communities and a wealth of linguistic and cultural capital, they often lack the resources and legitimacy that consular offices enjoy. This is particularly the case with the Mexican consulate, whose fifty-two-office network in the United States represents the largest migrant flow in North America.

Yet as our interviews with both labor organizations and legal service providers illuminate, tripartite co-enforcement is often largely symbolic, and there are serious challenges to scaling up and sustaining these partnerships. Like any other major bureaucracy, consulates are complex organizations that often follow archaic rules and establish jurisdictional silos between and even within offices. The turnover of consular leadership is a constant source of frustration for community organizers, who may spend years developing working relationships, convincing consular leaders to step up to the plate, and then training consular staff to be functional partners, only to see them depart. Because of the nature of the consular system, officials are regularly reassigned after only a few years, career diplomats

rarely stay in one place for a long time, and building grassroots trust and capacity is thus a never-ending challenge.

While the memoranda of understanding signed by US agencies and Mexico's SRE laid the groundwork for collaboration, workers' rights are only one of many concerns that consulates are asked to address. Equally pressing issues include providing legal counsel for incarcerated Mexican nationals, arranging the repatriation of corpses, securing educational access, facilitating the complicated bureaucratic dynamics of transnational families, and, recently, testing and vaccinating a low-wage worker population that is disproportionately vulnerable in the global COVID-19 pandemic.

Our research calls into question the efficacy and sustainability of relying on the sending state to act as a co-enforcer. While consulates are uniquely situated to wield influence and deploy resources, they are not necessarily the best case managers and certainly are not equipped to cultivate worker resistance, as critics we spoke with argued. From a purely organizational perspective, a consulate is set up to process at scale, much like a DMV. The consulates we observed rarely had in-house resources for service provision, relying almost entirely on referrals to other organizations in their network. Thus, we found that the most important function of consulates was not necessarily handling everyday cases directly but rather being sufficiently connected to community partners so that they could effectively guide individuals seeking redress to other sources of aid. With several exceptions, consular offices were neither equipped to follow up on cases nor adequately funded to ensure that a claim was submitted and pursued to the end. All of these limitations plagued worker centers and other advocates as well, who were themselves attempting to fill the gaps left by the paltry national level of union representation (6 percent) and an underfunded and claims-driven labor standards enforcement mechanism that focuses on reacting to labor violations as they occur but invests little in prevention.

Consular outreach was inconsistent and often met with skepticism. Advocates often felt that consular officials were simply pursuing their own self-interest and lacked a real vision for year-round programming that would serve the most vulnerable Mexican migrant worker populations in outlying areas. Advocate after advocate bemoaned uncoordinated events that they saw more as PR efforts, an unreasonable reliance on the volunteer labor of community collaborators, and even consular nepotism toward preferred legal service providers, a form of organizational gatekeeping that discounted the efforts of the pioneering community organizers who had begun demanding accountability decades ago.

For migrant-led labor organizations in particular, the challenges plaguing tripartite co-enforcement perhaps had less to do with the unique role of the sending state than with the distinction between promoting regulatory compliance and building worker power. And on that last metric—building worker power—consulates (and every other labor standards enforcement agency) fell and will continue to

fall short. As one local organizer charged, the Mexican consulate is a *depoliticized space*, one that intentionally skirts around political entanglements and remains inactive on “issues that matter.” To be sure, the central tension between service provision and organizing, which Fine (2006) details at length, is ever present in tripartite co-enforcement as well, with or without consular involvement. And as the next two chapters examine, demands for accountability far exceed the aspirations outlined in ministerial agreements.

In Mexico’s case, civil society organizations—including the labor and legal groups mentioned above—have pushed for an agenda that goes beyond merely propping up a crumbling US labor regulation regime. Civil society organizations have also argued for a more expansive view of migrant worker needs and of the receiving *and* sending state’s mandate to fulfill these social welfare protections. For groups in the United States, advocates have addressed a litany of demands to Mexico, which many see as responsible for the lack of economic opportunities driving nationals from their homeland. Many migrant advocates see their emigrant labor as the sole saving grace for transnational families and communities left behind who rely on remittances. Their concerns go beyond compliance with minimum-wage and health/safety laws (the primary focus of local co-enforcement efforts): they are calling for more comprehensive development policies that privilege Mexican workers over multinationals, for states and companies to be held accountable for deep-seated corruption, and for a greater willingness to confront the US government’s neocolonial approach to border militarization, exploitative guest worker regimes, and skyrocketing deportation levels sending people to (and through) Mexico. Though seemingly unrelated, Mexico’s complicity on all these fronts further stymies attempts at tripartite co-enforcement efforts, while also creating innovative openings for the advocacy we describe in the next two chapters.