First 100 Days Memo: U.S.-Mexico Policy

Recommendations for the Biden Administration
Preface

The Pacific Council on International Policy is a nonprofit, nonpartisan organization whose mission is to build the capacity of Los Angeles and California for impact on global issues, discourse, and policy. By connecting local experience to global affairs, we bring attention to the inextricable ties between domestic and foreign policy and contribute to better policy outcomes at the local, state, and national levels. We rely on a community of members – with deep insight and expertise in all manner of U.S. domestic and foreign policy issues – to carry out our work.

The Council focuses on policy issues with particular relevance to California and Los Angeles and brings a West Coast perspective to the national dialogue. Launched in 2017, the Pacific Council Mexico Initiative aims to (1) promote stronger ties between Mexico and the U.S.; (2) build awareness among Angelenos of the importance of the U.S.-Mexico relationship; and (3) give influential voices in politics, the press, and the business community a more nuanced understanding of Mexico. The program is governed by an advisory committee of experts and interested Council members and citizens.

Under the auspices of the Mexico Initiative, the Pacific Council commissioned the following First 100 Days Memo on U.S.-Mexico Policy for President Biden and his team. While we relied on interviews with various stakeholders – including former cabinet members, undersecretaries, and State Department officials; members of the Biden transition team; premier academics and think tank leaders; and informed citizens – to produce the memo, its content and recommendations are solely those of the author and do not reflect specific policy positions of individual contributors, the institutions with which they are or have been affiliated, or the Pacific Council as a whole.
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The *First 100 Days Memo on U.S.-Mexico Relations* was informed by a group of experts and interested citizens whose experience with Mexico spans decades, presidential administrations, and multiple fields of work and study.

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Executive Summary

The transition from the Trump administration to a Biden presidency will present both challenges and opportunities for the U.S.-Mexico relationship. Despite early challenges, the Biden administration has an invaluable opportunity to transform this relationship for years to come. In addition to traditional foreign policy considerations such as security and trade, other challenges—such as the COVID-19 pandemic, immigration, climate change, and natural disasters—offer opportunities for collaboration in a range of fields including public health, infrastructure, law enforcement, and human rights.

Migration flows indicate that the U.S. and Mexico are more interdependent than ever before, which bodes well for renewed partnership. Mexicans account for nearly 24% of immigrants living in the United States, at nearly 11 million overall. An additional 11 million undocumented migrants live and work in the U.S., about 5 million of whom are believed to be of Mexican origin. Of those 5 million, more than 80 percent have lived in the U.S. for 10 years or more.

Conversely, Mexico is the number-one destination for Americans emigrating abroad, with some researchers calculating that this flow may now exceed the historical south-to-north flow. This two-way movement, combined with the depth and breadth of common issues faced by both nations, make it clear that for the U.S., there is no relationship more important and strategic than that with Mexico.

Through careful messaging, consistent focus on the relationship, and early symbolic and substantive actions, President Biden has the opportunity to strengthen the U.S. relationship with Mexico. The Pacific Council on International Policy’s Mexico Advisory Committee has commissioned a report focusing on actions recommended by Mexico policy experts and informed citizens that President Biden and his team can take to improve the relationship with Mexico during the first 100 days of his administration.

Recommendations fall under four broad themes:

1) **Re-emphasize Washington’s view of Mexico as a key strategic partner.** Take steps early to send an unmistakable signal to Mexico about its value and importance to the U.S. These can include convening reciprocal visits by heads of state, assigning key Cabinet officials to move the relationship in a positive direction, launching a high-level bilateral forum for collaboration in key areas of common interest, and developing a joint response to the COVID-19 pandemic.

2) **Strengthen the North American region.** Under the banner of the United States-Mexico-Canada Agreement (USMCA), engage Mexico in actions designed to resolve problems and facilitate regional collaboration while sending a strong signal to our trade competitors. Remove obstacles to integration by creating a bipartisan commission to advance common regulatory frameworks to integrate markets across borders.

3) **Design immigration solutions in partnership with Mexico.** Work with Mexico on a counter-pandemic border strategy, development programs for Central America (to stem the flow of migrants moving north), and contingency plans for a potential post-COVID-19 immigration surge. Regularize the status of members of protected groups and people who have lived in the United States for extended periods of time.

4) **Partner with Mexico on issues beyond security and trade.** Make educational and cultural exchanges key components of the bilateral relationship, and support subnational efforts, for example those led by local governments and nonprofits, to improve the relationship.
Introduction

President Biden’s commitment to ending many of former President Trump’s most egregious restrictions on immigration, increasing oversight of enforcement agencies, returning to multilateralism, and more proactively addressing climate change and global public health will create new opportunities for cooperation between the U.S. and Mexico in the weeks and months ahead. However, challenges in the U.S.-Mexico relationship are real and serious, with an unpredictable counterpart in President Andres Manuel López Obrador; a growing fault in the U.S.-Mexico security relationship over the arrest, repatriation, and ultimate acquittal of Mexican General and former Defense Minister Salvador Cienfuegos; and mounting pressure from some quarters in the U.S. government to get tough on Mexico regarding energy investments and labor protections.

Successfully exploiting opportunities to collaborate will require patience, nuance, and a holistic approach to the relationship. Early symbolic gestures, strategically selecting and engaging with key stakeholders in both countries, and emphasizing an ongoing commitment to policy outcomes that benefit both sides of the U.S.-Mexico border will prepare President Biden and his team for success.

By most accounts, President López Obrador is an idiosyncratic counterpart in the U.S.-Mexico bilateral relationship. A staunch nationalist, he is a persistent, tenacious, and effective Mexican politician who developed a largely positive relationship with the Trump administration. During his time in office, he has demonstrated openness to working with the U.S. on select issues, such as trade and immigration, while maintaining a nationalist, Mexico-first posture on others – most notably energy. López Obrador’s willingness to cooperate with Trump on immigration and trade surprised many, given Trump’s unpopular policies, hostile rhetoric towards Mexico and Mexicans, and tariff threats, combined with what one expert interviewed for this report characterized as the Mexican leader’s overall strategy to “remain as invisible as possible outside Mexico.”

Given López Obrador’s largely domestic focus and his relationship with then-President Trump, his lukewarm and much delayed acknowledgment of Biden’s electoral victory was not out of character. The December 2020 call between President-elect Biden and President López Obrador to discuss a regional partnership and new approaches to migration is a noteworthy development, but without careful navigation by the Biden administration, positive progress could end there.

Biden’s initial interactions with Mexico as president-elect were colored by the October 2020 arrest in Los Angeles of Mexican General Salvador Cienfuegos on charges related to drug-trafficking and corruption, which caused outrage among top officials in Mexico and which López Obrador deemed a violation of Mexican sovereignty.¹ In the months since Cienfuegos’s arrest and repatriation to Mexico, the López Obrador administration has shown less openness to cooperating with the U.S. In December 2020, the Mexican Congress passed a law limiting Mexican officials’ ability to cooperate with US law enforcement and intelligence operatives in Mexico, a move that is likely to significantly obstruct U.S.-Mexico security cooperation going forward. Also in December, López Obrador replaced respected diplomat Martha Bárcena as Mexican ambassador to the United States with Esteban Moctezuma, an economist and former Secretary of Social Development and Secretary of the Interior of Mexico. The Cienfuegos fallout prompted a new low in the U.S.-Mexico security relationship when, in January 2021, days before the Biden administration took office, all charges against the general were dropped in Mexico.² Finally, in early January 2021, López Obrador signaled interest in granting asylum in Mexico to Julian Assange after the Trump administration’s appeal to extradite the WikiLeaks founder from the U.K. was denied in court.

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On the commercial side of the relationship, also in October 2020, a bipartisan group of U.S. Congress members sent a letter to President Trump protesting what they considered unfair treatment of U.S. energy companies operating in Mexico, claiming that Mexico is in violation of provisions of the United States-Mexico-Canada Agreement (USMCA). President López Obrador’s administration dismissed the claims outright; in fact, he said he would attempt to revise the Mexican Constitution to re-enforce Mexico’s primary reliance on state-owned energy companies and its sovereignty over their actions and regulations. At the same time, congressional Democrats and the U.S. labor movement contend that Mexico is not meeting labor standards, and advocate swiftly bringing enforcement actions against Mexico under the labor chapter of the USMCA. President Biden and his team will be challenged to respond to domestic pressures while balancing the multifaceted issues on which the U.S. must continue to productively work with Mexico, including a pressing need to maintain a positive relationship as part of an overall North American response to a rising China.

Given these challenges, rehabilitating the U.S.-Mexico security relationship and maintaining positive momentum on trade, immigration, and other key issues will hinge on Biden’s ability to move past early infractions and prevent future issues by developing a baseline president-to-president relationship and engaging with the right stakeholders within López Obrador’s administration. While Esteban Moctezuma’s ambassadorship was, at time of writing, still pending approval by the Mexican Senate and the U.S. government, his experience in issues related to the Mexican interior could provide useful insight. Additionally, Mexican Secretary of Foreign Affairs Marcelo Ebrard, an energetic advocate for Mexican global interests, will remain a key player. One of Ebrard’s most notable diplomatic achievements was to negotiate the return to Mexico of General Salvador Cienfuegos; he will likely oversee the Assange asylum case, should it move forward. Given López Obrador’s unpredictable nature and lack of interest in global engagement, communication at the diplomatic, cabinet, and nongovernmental levels will be key to ensuring a strong relationship.

Despite early challenges – and regardless of who is in office in the U.S. or Mexico – it remains in the best interest of Washington to strengthen this relationship for one fundamental reason: Americans and Mexicans are more interdependent now than ever before. Despite the Trump administration’s efforts to curtail immigration, close to 11 million undocumented migrants continue to live and work in the United States, 5 million of whom are believed to be of Mexican origin. Of those 5 million, more than 80 percent have lived in the U.S. for 10 years or more. While Mexico is no longer the top country of origin for immigrants to the U.S., Mexicans account for nearly 24% of migrants living in the United States, at nearly 11 million overall. On the other hand, the U.S. Embassy in Mexico City estimates that more than 1.5 million U.S. citizens live in Mexico, making it the main destination for U.S. emigration. U.S. citizens – including “digital native” telecommuters, students, retirees, and nearly 600,000 children who have returned with their Mexican-born parents – make up an estimated 75% of immigrants to Mexico. Some researchers calculate that the flow of migrants from the U.S. into Mexico may now be higher than the south-to-north flow. As people, goods, and services move across the border, and the pandemic, crime, and natural disasters affect communities on both sides, distinctions between domestic and international issues will continue to blur.

The Biden administration’s commitment to promoting global engagement undergirds the recommendations that follow. The Pacific Council on International Policy, as well as leaders in Los Angeles and California, strongly agree that pursuing policy solutions that benefit not only Americans but also Mexico and Mexicans, who confront many of the same issues that challenge Americans, is in the

5 Israel and Batalova, 2020.
6 Fry, 2019.
7 Sheridan, 2019.
8 Mark, 2019.
best interest of the U.S. precisely because these are issues where no barrier can protect either country. This relationship should be premised on building bridges, not walls. We encourage the Biden administration to demonstrate its commitment to these values by embracing the following recommendations in the early days of its time in office.

**Recommendations**

The following actions can strengthen the U.S.-Mexico relationship during the first 100 days of the Biden administration.

1) **RE-EMPHASIZE WASHINGTON’S VIEW OF MEXICO AS A KEY STRATEGIC PARTNER**

   1.1: Make Mexico the destination of the first presidential visit of the new administration.

   A presidential visit is a significant symbolic act with unique visibility that reflects U.S. priorities and projects the importance of a binational relationship at the highest levels. A presidential visit could balance a symbolic reset with a clearly defined agenda for the relationship and a strong message that the U.S. expects Mexico to act as a good-faith partner. During this visit, President Biden should acknowledge President López Obrador’s commitment to Mexico’s self-determination while also (1) encouraging a middle-ground resolution on the Cienfuegos issue; (2) seeking a roll-back of the new Mexican security law limiting Mexican law enforcement officials’ cooperation with U.S. agents in Mexico; (3) reminding him of the USMCA’s labor and environmental provisions, and (4) inviting Mexico to collaborate with the U.S. on COVID, development in Central America, and other pressing issues.

   1.2: Issue a bold and forward-looking statement acknowledging the unique and inextricable ties between the U.S. and Mexico and emphasizing the role of Mexico as a strategic partner in North America.

   Getting it right with Mexico as part of an overall North American response to China’s increasing influence in the region is critical to U.S. national interests. Following four years of divisive rhetoric about Mexico and Mexicans from the Trump administration, pressing the “reset” button on domestic political discourse about Mexico and reframing the relationship as one of strategic partnership will underpin any future successes on trade, security, immigration, and other issues. A full embrace of Mexico as a partner and key ally to the U.S., laid out in an early statement from the Biden administration, will set the tone for the relationship for the next four years.

   1.3: Emphasize to key officials the unique importance of U.S.-Mexico relations.

   Reinforce the partnership “reset” by having incoming Secretary of State Anthony Blinken, National Security Advisor Jake Sullivan, Secretary of Homeland Security Alejandro Mayorkas, U.S. Trade Representative Katherine Tai, Secretary of Commerce Gina Raimondo, the soon to be appointed Assistant Secretary of State for Western Hemisphere Affairs, and the U.S. ambassador to Mexico all emphasize to their teams in the strongest possible terms that the relationship with Mexico is to be seen and promoted as uniquely important.

   1.4: Establish a high-level bilateral forum to facilitate continuous communication and collaboration across different components of the relationship.

   While Mexico is rarely a top priority for a U.S. president given the competing demands on the international policy docket, the day-to-day relationship with Mexico can and should be given a
high priority at the federal agency level. The White House must signal the importance of this relationship by organizing an inter-agency task force to work with counterparts in Mexico.

While President López Obrador is preoccupied with domestic policy, making it a challenge to promote collaboration on public health, climate change, labor, and renewable energies at his level, several of his cabinet members are actively involved in the bilateral relationship. Working directly with Mexican officials, including Secretary of Foreign Affairs Ebrard and incoming Mexican Ambassador Mocotzuma, among others, would be an effective way to seek common ground on these and other issues.

A new bilateral forum focusing on topics beyond security and the economy can be a powerful incentive for cooperation and can provide an opportunity to re-envision a multifaceted bilateral relationship.

1.5: Formally invite Mexico to collaborate on the COVID-19 response.

The flow of people across the U.S.-Mexico border requires bilateral cooperation to combat the COVID-19 pandemic and prepare for future public health crises. With public health a key priority for the Biden administration, a counter-pandemic border strategy, including a comprehensive approach to screening, robust contract tracing and data sharing, and broad regulatory alignment, implemented in collaboration with counterparts in Mexico, will help stop the spread in both countries. The López Obrador administration is unlikely to obstruct a coordinated bilateral response on an issue as pressing and deadly as the COVID-19 pandemic.

2) STRENGTHEN THE NORTH AMERICAN REGION

2.1: Issue a powerful statement embracing a North American identity to counteract China’s commercial influence in the region.

Out of necessity, the Biden Administration will be preoccupied with China. Competing in the commercial arena with China will be a challenging task that the United States cannot and should not take on alone. North America is central to U.S. competitiveness, and Mexico can and should play a key role in bringing manufacturing back from China to North America. An early trade address that embraces North America and doubles down on Washington’s commitment to the USMCA will send a strong global message as well to both trade adversaries and to our allies in Mexico and Canada.

2.2: Invite President López Obrador and Canadian Prime Minister Justin Trudeau to Washington for a North America Summit as soon as it is safe and practical to do so.

In July 2020, Prime Minister Trudeau opted out of a trilateral summit to celebrate the implementation of the USMCA, citing concerns about COVID-19 and about potential U.S. aluminum tariffs. Given the positive relationship between the Obama-Biden administration and Prime Minister Trudeau, reinvestment by the new Biden administration in the trilateral relationship will be well received on the Canadian side, creating additional incentive for the López Obrador administration to embrace the North American concept. The symbolism of the invitation will reinforce commitments to partnership, cooperation, and a common North American identity.

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2.3: Leverage the USMCA to address difficulties in the relationship and promote further cooperation between the United States and Mexico.

The USMCA makes an already rich and dynamic trade relationship between the United States and Mexico even more efficient. Still, more can be done to unleash the potential of the North American region. While efforts to transform the USMCA into a more comprehensive agreement could end up draining energy and distracting from more practical ways to achieve other goals, the Biden administration should focus on supplemental frameworks that address challenges in the relationship and allow the U.S. and Mexico to achieve even greater mutual benefit using the trade agreement as a springboard.

To a substantial portion of the American public, the effects and consequences of globalization and the USMCA are intertwined. Mexico is perceived by some – including U.S. Congress members in both parties10 – as abusing the partnership on the interconnected issues of labor, the environment, and energy. President Biden should challenge Mexico to show itself as a trustworthy partner with a shared interest in the prosperity of North America that will honor its commitments to the USMCA.

To reinforce the clean-energy focus of the Biden administration’s proposed Latin America policy, the Biden team should offer a combination of renewable energy incentives, a cooperation framework, technical support, trade benefits, and other options to encourage collaboration.

2.4: Create a bipartisan panel to set common regulatory frameworks and integrate markets within the USMCA infrastructure.

While the USMCA provides a framework for trade between the U.S. and Mexico, the trade relationship would benefit from a bilateral effort to smooth bureaucratic challenges, align national regulations (including definitions of essential industries), and minimize inefficiencies.11Shutdowns related to the COVID-19 pandemic have demonstrated that stakeholders in both countries need better tools to work with their counterparts. The Biden administration should explore regulatory collaboration in a variety of areas, including criminal law, educational certification, financial markets, and energy.

3) DESIGN IMMIGRATION SOLUTIONS IN PARTNERSHIP WITH MEXICO

3.1: Prioritize status regularization of protected groups and people who have lived in the United States for an extended time.

While a path to U.S. citizenship exists and there is baseline consensus on process, access to that path has been restricted, at least in part, by the Trump administration’s policies. The Biden administration can give new energy to immigration policy dialogue in the U.S. and signal commitment to treating Mexico and Mexicans fairly and humanely by taking urgent executive action to provide full protection to beneficiaries of DACA, DAPA, TPS, and DED,12 as well as asylum seekers and people who have lived in the United States for extended periods of time, and to eventually place them on a path to regularization.

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12 Deferred Action for Childhood Arrivals, Deferred Action for Parents of Americans and Lawful Permanent Residents, Temporary Protected Status, and Deferred Enforced Departure.
3.2: Collaborate with Mexico on development programs for Central America.

Mexico is transitioning from a country of immigrant origin to one of transit and destination, attracting mainly Caribbean, Central American, and South American migrants. To address the root causes of immigration to both nations, the U.S. must work with Mexico on a development strategy for Central America that emphasizes regional growth, stability, and security. Mexico's status as the second largest investor in Central America will be helpful in promoting a regionally led approach to this issue.

The year 2021 offers an opportunity to rethink an approach to Central America, given the expiration of the Plan for Prosperity in 2019, the end of the Central America Regional Security Initiative in 2017, and the call in 2019 from the U.S. Government Accountability Office to develop a comprehensive plan to assess progress toward prosperity, governance, and security in Central America.

3.3: Work with Mexico to develop a contingency plan for a possible increase in immigration after COVID-19.

In 2020, the flow of migrants transiting through Mexico slowed, in part because of the COVID-19 pandemic, but experts forecast that it will increase as early as spring 2021 regardless of the status of COVID-19. Drier weather, poor economic and security conditions in Central America (recently exacerbated by a series of natural disasters), and limited economic opportunities in Mexico will drive more migrants to Mexico and the U.S. Joint contingency planning should include counter-pandemic border measures and short- and long-term initiatives to stem the flow of migrants.

4) PARTNER WITH MEXICO ON ISSUES BEYOND SECURITY AND TRADE

4.1: Make educational and cultural exchanges a key component of the bilateral relationship.

Exchanges and other public diplomacy tools allow Americans and Mexicans to better understand the richness and complexity of each other’s cultures. Investing in long-term exchanges will build ties over generations, facilitating interaction between the peoples of two neighboring countries who share deep cultural, linguistic, and often familial ties in addition to the common domestic and foreign policy priorities outlined above.

The number of American and Mexican students participating in exchanges is low relative to the importance of the bilateral relationship. Student visas to the U.S. are currently awarded predominantly to citizens of China and India. Mexico is tenth on the list, with about 15,000 students per year, a trend that has been decreasing since 2016. Mexico receives fewer than 6,000 U.S. students per year.

Existing programs – like 100,000 Strong in the Americas and the Bilateral Forum on Higher Education, Innovation and Research – provide solid foundations for the Biden administration to build on, but educational and cultural exchanges need a place on the agenda that reflects the importance of the bilateral U.S.-Mexico relationship.

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4.2: Embrace subnational efforts to improve the U.S.-Mexico relationship.

The Biden administration should work in partnership with mayors, governors, nonprofits, and citizen diplomats to amplify the effects of its policies on Mexico. The last four years have taught us that local governments and American civil society can serve as a bridge to allies abroad when U.S. foreign policy falls short. When Washington embraces global engagement, those same actors can complement its efforts by informing policy based on their experience and expertise and by helping to carry out policy where they already have relationships and projects in place.

California, Los Angeles, and the Pacific Council are among the subnational actors whose work can both inform and amplify the Biden administration’s goals in Mexico. In 2019, Governor Gavin Newsom took his first international trip as governor of California to El Salvador to explore the root causes of immigration and serve as a symbolic counter to then-President Trump’s immigration policies. In the same year, Mayor Eric Garcetti of Los Angeles, a Spanish speaker, inaugurated the Mexico-Los Angeles Commission\(^1^5\) – a binational effort to enhance collaboration on issues including trade, sports, renewable energy, science, art, culture, and tourism – in partnership with Mexican Secretary of Foreign Affairs Marcelo Ebrard.\(^1^6\) The Pacific Council and its Mexican counterpart, COMEXI (the Mexican Council on Foreign Relations), serve as hosts for the effort, with Dr. Cynthia Telles, a prominent Angeleno and Latinx leader serving as chair of the Commission on the U.S. side.\(^1^7\)

Conclusion

President Joe Biden has the opportunity to build a relationship with Mexico that draws on historical strengths, broadens mutual interests, transforms challenges into opportunities, and creates new avenues for collaboration to the benefit of the peoples of both nations. In the first 100 days, his administration can lay the groundwork for what is to come in the next four years and perhaps beyond. Navigating early diplomatic and security challenges, pressure from the U.S. Congress, and challenging issues such as energy, the environment, and labor will require consistency, nuance, good timing, and a perpetually level head – all qualities that President Biden has demonstrated over decades of public service.

When two countries share a border, many of the issues they face blur the distinction between international and domestic. The COVID-19 pandemic has demonstrated dramatically that, regardless of our approach to immigration, trade, and security, our challenges do not always recognize borders. As such, we would do well to work together on solutions. With the right set of actors in place – those who are deeply committed to improving our relationship with Mexico – President Biden and his team can ensure that improved ties with this valued neighbor will become a key legacy of their administration.

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\(^{15}\) See the addendum for a full list of participants.
\(^{17}\) “Announcing MEXLA, A New Effort to Deepen LA-Mexico Ties,” 2019.
References


Addendum

The **Mexico-Los Angeles Commission** is a partnership between the Los Angeles Mayor's Office, the Foreign Ministry of Mexico, the Mexican Council on Foreign Relations, and the Pacific Council on International Policy. Its mission is to enrich the cultural, economic, and social ties between Mexico and Los Angeles through cross-border collaborations among leaders in key sectors. The Commission was designed to facilitate collaboration between a foreign national government and a U.S. city government based on the expertise Angelenos have in local-to-global issues such as trade, sports, renewable energy, science, arts, food, culture, and tourism.

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